

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

As used in this Chapter the following terms shall have these prescribed meanings:

INTOXICATING LIQUOR: Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 312.010, RSMo. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by Sections 196.365 to 196.445, RSMo.

PERSON: Any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator, or other officer appointed by any State or Federal court. (Ord. No. 246 §§1--2, 2-12-76)

SECTION 600.020: LICENSE REQUIRED

It shall be unlawful for any person, firm, partnership or corporation to sell or expose for sale within Velda City intoxicating liquors in any quantity without taking out a license to do so. (Ord. No. 246 §3, 2-12-76)

SECTION 600.030: QUALIFICATIONS FOR LICENSE

- A. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and tax paying citizen of St. Louis County or Velda City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified voter and tax paying citizen of the County of St. Louis or Velda City; and no person shall be granted a license hereunder whose license as such dealer has heretofore been revoked, or who has been convicted of a felony, or

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any law pertaining to the sale of intoxicating liquor in the State of Missouri, or who employs in his/her business as such dealer, any person whose license has been revoked, or who has been convicted of a felony or any law pertaining to the sale of intoxicating liquor within the State of Missouri.

- B. Any person possessing the qualifications and meeting the requirements of Chapter 311 of the Revised Statutes of Missouri, who possesses a State license to sell intoxicating liquor in the original package at retail under Sections 311.200 and 311.293, RSMo., may apply for a special Velda City license to sell intoxicating liquor in the original package at retail. (Ord. No. 460 §4, 1-12-94)

SECTION 600.040: WRITTEN APPLICATION REQUIRED

Any license issued under the provisions of this Chapter shall be by the Board of Aldermen who shall require the applicant to file a written application with the Board, which application shall contain the information reasonably required to comply with the provisions of this Chapter, and which application shall be under oath. The applicant for such license shall appear in person before the Board of Aldermen when presenting such application. (Ord. No. 246 §5, 2-12-76)

SECTION 600.050: SALE OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

No license shall be granted for the sale of intoxicating liquors as provided in this Chapter within one hundred (100) feet of any school, church, or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Directors of the school or the consent in writing of the majority of the managing board of such church or place of worship. Provided however, when a school or church or place of worship shall hereafter be established within one hundred (100) feet of any place licensed to sell intoxicating liquors, the license shall not be denied for lack of consent in writing as herein provided. (Ord. No. 246 §6, 2-12-76)

SECTION 600.060: ORIGINAL PACKAGE SALES -- LICENSE LIMITATIONS

- A. No license shall be issued for the sale of intoxicating liquors in the original package, not to be consumed upon the premises where sold except to a person engaged in and to be used in connection with the operation of any of the following businesses: a drug store, cigar and tobacco store, grocery store, general merchandise store, confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store, a stock of goods having a value, according to invoices, of at least one thousand dollars (\$1,000.00), exclusive of

fixtures and intoxicating liquors.

- B. Under such license issued as aforeprovided no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises. (Ord. No. 246 §7, 2-12-76)

**SECTION 600.070: LICENSE FEES -- SUNDAY ORIGINAL PACKAGE LICENSE FEE
-- TERM OF LICENSE**

For every license for sale at retail in the original package under the provisions of this Chapter, the licensee shall pay to the Collector of Velda City, Missouri, the sum of one hundred fifty dollars (\$150.00) per year, due upon issuance of said license. Except that an additional sum of three hundred dollars (\$300.00) per year shall be due upon issuance of a special license for the privilege of selling intoxicating liquor in the original package at retail between the hours of 11:00 A.M. and Midnight on Sundays within the City limits of Velda City, Missouri. The annual license shall expire on the thirty-first (31st) of December of each year. (Ord. No. 460 §8, 1-12-94)

SECTION 600.080: LICENSE REGULATIONS

- A. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquors may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquors at any place other than that described in the license issued.
- B. *Renewal.* Applications for renewal of licenses must be filed with the Board of Aldermen on or before the first (1st) day of January of each calendar year.
- C. *Licenses Non-Transferable--Exceptions.*
 - 1. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the City may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.
 - 2. Whenever one (1) or more members of a partnership withdraws from the partnership the City, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license. (Ord. No. 246 §9, 2-12-76)

**SECTION 600.090: LICENSEE ONLY TO PURCHASE LIQUOR FROM
AUTHORIZED WHOLESALE LIQUOR DEALER**

It shall be unlawful for any person holding a retail intoxicating liquor license hereunder to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in the State of Missouri. (Ord. No. 246 §10, 2-12-76)

SECTION 600.100: TIME FIXED FOR OPENING AND CLOSING PREMISES

- A. No person having a license under this law, nor any employee of such person, except as provided in Subsection (B), shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., to a person licensed to sell the intoxicating liquor at retail.
- B. Any person licensed pursuant to this Chapter shall not be permitted to sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

**SECTION 600.110: PERSONS EIGHTEEN YEARS OF AGE OR OLDER MAY SELL
OR HANDLE LIQUOR, WHEN**

- A. Except as provided in Subsections (B), (C) and (D), no person under the age of twenty-one

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(21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

- B. In any place of business licensed in accordance with Sections 311.200 or 312.040, RSMo., persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or nonintoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.
- C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter or Chapter 312, RSMo., may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor or non-intoxicating beer.
- D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

SECTION 600.120: IDENTIFICATION REQUIRED FOR PURCHASE

A State operator's or chauffeur's license or State identification card shall be presented by the holder upon request of the licensee, or the duly authorized employee of the licensee to determine whether or not the person desirous of making a purchase of intoxicating liquor of such person is of age as herein provided. Upon the presentation of such identification the licensee or employee thereof, shall compare the photo and physical characteristics noted on such identification with the person requesting such purchase. (Ord. No. 246 §13, 2-12-76)

SECTION 600.130: POWER OF BOARD OF ALDERMEN TO SUSPEND OR REVOKE LICENSE OR REFUSE TO ISSUE OR RENEW LICENSE

For the purpose of carrying out the provisions of this Chapter, the Board of Aldermen shall have exclusive authority to suspend or revoke for cause any license issued hereunder, or

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refuse to issue a license, or a renewal thereof, provided such licensee be first granted a hearing at which he/she may be represented by counsel if so desired. (Ord. No. 246 §14, 2-12-76)

SECTION 600.140: SALE TO MINOR -- CERTAIN OTHER PERSONS UNLAWFUL

Any licensee under this Chapter, or his/her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his/her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

CHAPTER 605: BUSINESS AND OCCUPATIONAL LICENSES

SECTION 605.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

MANUFACTURER: Every person who holds or purchases personal property for the purpose of adding to the value thereof by any process of manufacturing, refining or by the combination of different materials or commodities or other articles. The term "*manufacturer*" includes those engaged in treating, processing, refining, improving, combining, fabricating, assembling or otherwise adding to the useability, value or appearance of commodities and other personal property, whether done on order or for sale upon expected or anticipated demand or orders for the manufactured goods.

MERCHANT: Every person doing business in this City who as a practice in the conduct of such business makes or causes to be made any wholesale or retail sales as a jobber of goods, wares, and merchandise to any person, or who renders any services in connection with any such sale, at any store, stand or place in the City; whether such sales shall be accommodation

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sales, or whether made from stock on hand or ordering goods from another source, or whether the subject of said sales is a different type of goods than those regularly sold by said dealer. The word shall be construed to include merchants of all kinds, including those selling consigned merchandise.

PERSON: Any natural person, corporation, partnership, joint venture, unincorporated association, or any other private business or legal entity of every type.

PERSON IN CHARGE OF THE DAILY OPERATION OF THE BUSINESS: That person designated by the applicant as being the manager of the business at the business facility within the City. The person designated must be an owner or employee who is regularly on the business premises during the hours it is open for commerce.

SERVICE OCCUPATION: All callings, businesses, dealers, trades, avocations, pursuits, occupations, and enterprises, with the exception of merchants and manufacturers and shall include the selling of goods, wares and merchandise other than from a store, stand or place of business in the City; persons dealing in or rendering services of any and all kinds to persons or property, and persons renting or hiring property or facilities to others, and those who conduct activities for which an admission is charged or consideration is received for attendance at performances, shows, spectacles or other events, or for participation in contests or games or for use of facilities or accommodations operated or maintained by such person. The words "*service occupation*" as used herein shall, when the context requires, be construed to mean persons engaged in a business defined herein as a service occupation. However, the term shall not be construed to include any profession or calling exempted by Section 71.620, RSMo. (CC 1974 §600.010; Ord. No. 264 §2(600.010), 11-11-76; Ord. No. 335 §2(600.010), 1-10-80)

SECTION 605.020: SCOPE

It is the intention of the Board of Aldermen to license and tax under this Chapter, all commercial enterprises whether they may be merchants, manufacturers, businesses, dealers, trades, occupations, pursuits and/or avocations doing business within Velda City. (CC 1974 §600.020; Ord. No. 264 §2(600.020), 11-11-76)

SECTION 605.030: LICENSE REQUIRED

It shall be unlawful for any person to exercise or attempt to exercise, engage in or carry on, own, manage, operate or control any commercial enterprise defined within this Chapter as a merchant, manufacturer, or service occupation without having an occupational and business license therefor. Each day of unlawful activity by operating without an occupational and business license shall be considered a separate offense. (CC 1974 §600.030; Ord. No. 264

§2(600.030), 11-11-76)

SECTION 605.040: APPLICATION FOR LICENSE

- A. Applications for occupational and business licenses provided in this Chapter shall be made to the City Clerk on forms provided by the City Clerk. The application shall state:
1. The name to be used by the business, the address at which the business will be conducted within the City, the phone number at the business address, and a brief description of the nature of the business.
 2. The name and home address of the applicant and/or the name and home address of any person applying on behalf of the applicant.
 3. If the applicant/business is a corporation, the names of all officers of the corporation and their addresses.
 4. If the applicant/business is a partnership, the name of all general partners and their addresses.
 5. If the applicant/business is a sole proprietorship, it shall be specifically identified as same on the application.
 6. The person in charge of the daily operation of the business.
 7. Whether or not intoxicating beverages of any type are to be sold at the business address.
 8. The identity of all persons to be employed by the applicant at the business address.
 9. Any other information deemed necessary by the Board of Aldermen by their passage of a resolution requiring such information.
- B. The person making the application shall state under his/her oath to the City Clerk that the information contained therein is true and accurate to the best of his/her knowledge, information and belief. (CC 1974 §600.040; Ord. No. 335 §2(600.040), 1-10-80)

SECTION 605.050: SERVICE ON PERSON IN CHARGE OF BUSINESS

All communications, letters, notices, warnings and summons required under any City ordinance or State Statutes shall be sufficiently served upon the business if they are mailed or personally delivered (as may be required) to the person in charge of the daily operation of the business at the business address within the City. (CC 1974 §600.043; Ord. No. 335 §2(600.043), 1-10-80)

SECTION 605.060: INSPECTION UPON FILING OF APPLICATION AND PAYMENT OF LICENSE FEE

Upon the filing of the annual application with the City Clerk and the payment of the annual license fee, the City Clerk shall:

1. Notify the City Building Inspector so that he/she may conduct an inspection to determine whether the business building and premises are in compliance with the requirements to issue an occupancy permit and all other ordinances applicable to the building and premises.
2. Notify the Fire Department District within which the business building and premises are situated so that it may conduct an inspection to determine whether the business building and premises are in compliance with the regulations, Codes and ordinances of the Fire District.
3. Notify the City Court Clerk to determine whether there remain any outstanding and unpaid fines and court costs that had been assessed against the business on complaints and information issued against the business. (CC 1974 §600.047; Ord. No. 335 §2(600.047), 1-10-80)

SECTION 605.070: ISSUANCE OF LICENSE

- A. The City Clerk shall issue the occupational and business license to any business applicant for which the following has been received and met:
 1. A fully completed and notarized application.
 2. Full payment of the annual license fee.
 3. A statement from the City Building Inspector that the building and premises meet the requirements to issue an occupancy permit.
 4. A statement from the Fire Department District that the building and premises meet all requirements under its regulations, Codes and ordinances.
 5. A statement from the City Court Clerk that there are no unpaid assessments of fines and court costs outstanding.
- B. So long as the applicant fails to meet any of the above requirements, its annual occupational and business license may be issued only under the authority of the Board of Aldermen after request by the applicant. The Board may allow or deny the license, or may issue a temporary license premised upon such conditions or predictions as it deems necessary and as are agreed

to in writing by the applicant.

- C. The occupational and business license shall be effective from January first (1st) through December thirty-first (31st) of the year in which it is issued and the license shall be on such forms as are provided by the City Clerk. (CC 1974 §600.050; Ord. No. 335 §2(600.050), 1-10-80)

SECTION 605.080: APPROVAL BY BOARD OF ALDERMEN

All occupational and business licenses issued by the City Clerk shall be conditionally effective until approved or denied by the Board of Aldermen. The application shall be presented to the Board of Aldermen by the City Clerk at the next regular monthly meeting following the date of the application, if possible, at which time the applicant or his/her representative shall have the right to appear and provide any additional information requested by the Board of Aldermen. Upon approval by the Board of Aldermen, the license shall remain in effect subject to renewal and revocation. (CC 1974 §600.060; Ord. No. 264 §2(600.060), 11-11-76)

SECTION 605.090: RENEWAL OF LICENSE

The license may be renewed annually for each successive calendar year upon payment of the annual license fee for the commercial enterprise which shall be due on or before January second (2nd) of the calendar year for which the license is to be in force, and upon confirmation that the information in the original application remains wholly true and accurate, or upon correction of the information in the application so that it is wholly true and accurate at the date of renewal. (CC 1974 §600.070; Ord. No. 264 §2(600.070), 11-11-76)

SECTION 605.100: FALSE STATEMENTS

It shall be unlawful to give a false statement on the application for an occupational and business license. It shall be the duty of the City Clerk to carefully examine all statements filed with him/her and to prosecute all violations of the Chapter according to law; provided that before instituting any such prosecution, he/she shall give such person an opportunity of explaining the statement and correcting it if inadvertently made. (CC 1974 §600.080; Ord. No. 264 §2(600.080), 11-11-76)

SECTION 605.110: LICENSE FEE SCHEDULE

The license fee imposed by this Chapter shall be as follows:

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1. Automobile body shop or automobile repair shop, per year	\$400.00
2. A combination of gasoline filling service station and an auto repair shop, per year	300.00
3. Bakery retail, per year	100.00
4. Book, magazine and paper agency and shop, per year	50.00
5. Children's day nursery or day care center, per year	100.00
6. Contractor, general or sub, per year	25.00
7. Electric, plumbing and sewerage company, per year	300.00
8. Garage, public and storage for auto, per year	250.00
9. Grocery, meat and food market, per year	300.00
10. Insurance agency, per year	250.00
11. Insurance agent, per year	50.00
12. Launderette or laundromat, per machine, per year	5.00
13. Nursing and rest home, per year	250.00
14. Peddler, huckster or solicitor (exclusive of farmer), per year	50.00
15. Real estate broker maintaining an office in the City, per year	250.00
16. Real estate salesman maintaining an office in the City, per year	50.00
17. Restaurant, per year	100.00
18. Service station, gasoline/diesel filling only, per year	150.00
19. Used car lot, per year	500.00
20. Video games, per machine, per year	25.00
21. Warehouse, only (not moving or storage) per year	100.00
22. Any other business not denominated or defined as any of the above, per year	125.00

(CC 1974 §600.090; Ord. No. 380 §2(600.090), 5-9-84)

SECTION 605.120: LICENSES FOR PART OF THE YEAR

The fees for occupational and business licenses issued under this Chapter for commercial enterprises beginning on or after May first (1st) in any year shall be two-thirds (2/3) the annual license fee and for a commercial enterprise beginning on or after September first (1st) in any year shall be one-third (1/3) the annual license fee. (CC 1974 §600.100; Ord. No. 264 §2(600.100), 11-11-76)

SECTION 605.130: DUTY OF CITY CLERK TO KEEP RECORDS

The City Clerk shall keep the original of all applications made under this Chapter and shall keep a record of all licenses granted, denied, renewed, revoked, receipts for the payments of the annual license fees, and the dates of all of these foregoing items. (CC 1974 §600.110; Ord. No. 264 §2(600.110), 11-11-76)

SECTION 605.140: PROVISIONS OF CHAPTER NOT TO AUTHORIZE SALE OF INTOXICATING LIQUOR

Nothing in this Chapter shall be construed as authorizing any person to sell intoxicating liquors by virtue of any license issued under this Chapter. (CC 1974 §600.120; Ord. No. 264 §2(600.120), 11-11-76)

SECTION 605.150: LICENSE NOT ASSIGNABLE OR TRANSFERABLE

No license issued under the provisions of this Chapter shall be assignable or transferable from one person to another nor from one (1) device or business to another including replacement devices. (CC 1974 §600.130; Ord. No. 264 §2(600.130), 11-11-76)

SECTION 605.160: SEPARATE LICENSES REQUIRED FOR EACH ESTABLISHMENT

No license issued pursuant to this Chapter shall be construed to permit the person to whom it was issued to carry on the business or occupation for which the license was obtained at more than one (1) store, place or stand at the same time within the City. A separate license shall be obtained and separate taxes shall be paid for each store, place, or stand within the said City. (CC 1974 §600.140; Ord. No. 264 §2(600.140), 11-11-76)

SECTION 605.170: DISPLAY OF LICENSE

All occupational and business licenses issued under this Chapter shall be prominently displayed in an unobstructed, conspicuous position at the place of business. (CC 1974 §600.150; Ord. No. 264 §2(600.150), 11-11-76)

SECTION 605.180: REVOCATION -- GROUNDS

Licenses issued under the provisions of this Chapter may be revoked by the Board of Aldermen, after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or any false statement in the application of the license.
2. Any violation of this Chapter.
3. Conviction of any crime or misdemeanor involving moral turpitude.
4. Conducting the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public. (CC 1974 §600.160; Ord. No. 264 §2(600.160), 11-11-76)

SECTION 605.190: NOTICE OF HEARING ON LICENSE REVOCATION

Notice of the hearing of the revocation of a license issued pursuant to this Chapter, shall be in writing, setting forth the grounds of the complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the licensee at the business address stated in the application for the license at least ten (10) days before the date set for the hearing. (CC 1974 §600.170; Ord. No. 264 §2(600.170), 11-11-76)

SECTION 605.200: REVOCATION OF LICENSE MAY BE IN ADDITION TO OTHER PENALTIES

Revocation of a license issued pursuant to this Chapter may be in addition to any other fine or penalty imposed under this Code. (CC 1974 §600.180; Ord. No. 264 §2(600.180), 11-11-76)

CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS

SECTION 610.010: REGULATING MOVING OF HOUSEHOLD GOODS, ETC.

- A. It shall be unlawful for any person or persons to move any household goods, furniture or furnishings from or to any residential dwelling within the City by means of a moving van, truck, motor vehicle or other conveyance, between the hours of dusk and dawn of any day without first obtaining a permit from the City Chief of Police to do so.
- B. It shall be the duty of the Chief of Police before issuing any such permit as aforeprovided, to investigate the circumstances and details of such proposed move, and if satisfied such is legitimate, reasonable and proper, shall issue such permit for which no charge shall be made. A complete record reflecting the date, time, names and addresses of all parties to the transaction, together with a description and license plates, number of the vehicle or vehicles involved, shall be prepared and retained as a permanent record. (CC 1974 §605.030; Ord. No. 169 §§1--3, 9-7-72)

SECTION 610.020: GARAGE AND DRIVEWAY SALES

- A. It shall be unlawful for any person or organization to hold what is commonly referred to as a garage or driveway sale within Velda City without first obtaining a permit therefor as herein provided.
- B. Such permit shall be issued by the City Clerk only upon approval of the application of the applicant by the Board of Aldermen and upon payment of a fee of ten dollars (\$10.00). (CC 1974 §605.040; Ord. No. 197 §§1--3, 2-1-73)

SECTION 610.030: REAL ESTATE AGENTS AND BROKERS -- REGISTRATION

- A. *Definition Of Real Estate Agent Or Broker.* A real estate agent or broker is defined as any person:
 - 1. Who, for a valuable consideration, shall act, or offer to act as agent for any person for the purpose of buying, selling, leasing, appraising, exchanging, renting, receiving or collecting rents of any real estate or interest therein or improvements thereon;
 - 2. Who, for a valuable consideration, loans or offers to loan money, as agent for another, or any real estate or interest therein or improvement thereon; or
 - 3. Any person who shall advertise by sign or otherwise, or hold themselves out as agent for any of the aforementioned purposes.
- B. No person shall act as a real estate agent or broker for the sale, exchange, rental or transfer of

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any interest in any property located within Velda City, Missouri, without first registering with the Clerk of Velda City, giving his/her name, the person for whom he/she is acting as agent or broker and the address of the property to be sold, exchanged, rented or transferred.

- C. At the time of the registration, the Clerk of Velda City, or his/her designated representative shall advise the registrant of the fact that a housing ordinance is in effect in Velda City and that said ordinance does require the issuance of an occupancy permit to any person to whom ownership or interest in real property with improvements thereon is transferred. The registrant shall indicate in the registration journal that these provisions have been explained to him/her and that he/she understands the applicable provisions of the housing ordinance and will comply with its requirements. (Ord. No. 260 §§1--4, 7-8-76)

CHAPTER 615: PUBLIC UTILITIES

ARTICLE I. ELECTRIC SERVICE

SECTION 615.010: ELECTRIC SERVICE

- A. Every person, firm or corporation now or hereafter engaged in the business of supplying or furnishing electric current and services in Velda City shall pay to the said City as a license or occupational tax six percent (6%) of the gross receipts derived from such business within the City.
- B. Every person, firm or corporation engaged in the business hereinbefore set forth in Velda City is hereby required to file with the City Clerk of Velda City on or before July 31, 1974, a sworn statement showing the gross receipts derived from the transaction of such business in Velda City from the effective date of this provision, namely June 6, 1974, until the last day of July, 1974, and on or before the last day of October, January, April and July of each year thereafter, showing the gross receipts derived from such business for the three (3) months immediately preceding the date of the statement, and at the same time pay to the Collector of Velda City the tax hereinbefore set forth, provided however, that it shall not be necessary to include in each such statement nor calculate the tax upon any receipts derived from any such service furnished Velda City or any other governmental unit therein.
- C. The Board of Aldermen shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed, and for that purpose shall have access at all reasonable business hours to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof.

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- D. Any person, firm or corporation engaged in the business hereinbefore set forth within Velda City, making any payment to the City under any ordinance or contract pursuant thereto heretofore enacted, shall receive credit for such payments on the tax set forth herein.
- E. Nothing contained in this Section shall be so construed as to exempt any person, firm or corporation to which this Section is applicable from the payment to Velda City of the tax which Velda City levies upon the real or personal property belonging to any such person, firm or corporation.
- F. The electric company upon the request of any person shall remove, raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of such wires shall be paid by the party or parties requesting the same, and the electric company may require such payment in advance. The electric company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.
- G. Permission is hereby granted to the electric company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said Velda City so as to prevent the branches and limbs of such trees from coming in contact with the wires and cables of the electric company; all the said trimming to be done under the supervision and direction of the City Street Commissioner, or such other person to whom such duties have been or may be delegated; that such trimming shall be at the expense of the electric company.
- H. Nothing herein contained shall be construed as giving to the electric company any exclusive privileges, nor shall it effect any prior or existing rights of the electric company to maintain its electric current supply system within Velda City. (CC 1974 §610.010; Ord. No. 203 §§1--9, 6-6-74)

ARTICLE II. GAS SERVICE

SECTION 615.020: GAS SERVICE

- A. Every person, firm or corporation now or hereinafter engaged in the business of supplying or furnishing gas, natural or manufactured, service in Velda City shall pay to the said City as a license or occupational tax six percent (6%) of the gross receipts derived from such business within the City. The term "*gross receipts*" as used herein means the aggregate amount of all sales and charges derived from the business of supplying or furnishing gas, natural or manufactured, within Velda City during any period less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during the period.
- B. Every person, firm or corporation engaged in the business hereinbefore set forth in Velda

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City is hereby required to file with the City Clerk of Velda City, on or before the last day of July, 1974, a sworn statement showing the gross receipts derived from the transaction of such business in Velda City, from the effective date of this provision, and on or before the last day of October, January, April and July of each year thereafter, showing the gross receipts derived from such business for the three (3) months immediately preceding the date of the statement, and at the same time pay to the Collector of Velda City the tax hereinbefore set forth, provided however, that it shall not be necessary to include in each such statement nor calculate the tax upon any receipts derived from any such service furnished the City or any other governmental unit therein.

- C. The Board of Aldermen, or such person authorized by them, shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable business hours to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof.
- D. Any person, firm or corporation engaged in the business hereinbefore set forth within Velda City, making any payment to the City under any ordinance or contract pursuant thereto heretofore enacted, shall receive credit for such payments on the tax set forth herein.
- E. Nothing contained in this Section shall be so construed as to exempt any person, firm or corporation to which this Section is applicable from the payment to Velda City of the tax which Velda City levies upon the real or personal property belonging to any such person, firm or corporation.
- F. Nothing herein contained shall be construed as giving to any person, firm or corporation any exclusive privileges, nor shall it effect any prior or existing rights of any person, firm or corporation to maintain gas supply lines and service within Velda City. (CC 1974 §610.020; Ord. No. 205 §§1--7, 6-6-74)

ARTICLE III. TELEPHONE SERVICE

Editor's Note--See editor's note at Article IV of this Chapter.

SECTION 615.030: TELEPHONE SERVICE

- A. Every person, firm or corporation now or hereinafter engaged in the business of supplying or furnishing telephone or telegraph service in Velda City, County of St. Louis, Missouri, shall pay to the said City as a license or occupational tax six percent (6%) of the gross receipts derived from such business within the City.
- B. Every person, firm or corporation engaged in the business hereinbefore set forth in Velda City is hereby required to file with the City Clerk of Velda City, County of St. Louis,

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Missouri, on or before July 31, 1974, a sworn statement showing the gross receipts derived from the transaction of such business in Velda City from the effective date of this provision, namely June 6, 1974, until the last day of July, 1974, and on or before the last day of October, January, April and July of each year thereafter, showing the gross receipts derived from such business for the three (3) months immediately preceding the date of the statement, and at the same time pay to the Collector of Velda City, County of St. Louis, Missouri, the tax hereinbefore set forth, provided however, that it shall not be necessary to include in each such statement nor calculate the tax upon any receipts derived from any such service furnished the City or any other governmental unit therein.

- C. The Board of Aldermen, or such person authorized by them, shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable business hours to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof.
- D. Any person, firm or corporation engaged in the business hereinbefore set forth within Velda City, making any payment to the City under any ordinance or contract pursuant thereto heretofore enacted, shall receive credit for such payments on the tax set forth herein.
- E. Nothing contained in this Section shall be so construed as to exempt any person, firm or corporation to which this Section is applicable from the payment to Velda City of the tax which Velda City levies upon the real or personal property belonging to any such person, firm or corporation.
- F. The telephone company on the request of any person shall remove, raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of such wires shall be paid by the party or parties requesting the same, and the telephone company may require such payment in advance. The telephone company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.
- G. Permission is hereby granted to the telephone company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said Velda City so as to prevent the branches and limbs of such trees from coming in contact with the wires and cables of the telephone company; all the said trimming to be done under the supervision and direction of the City Street Commissioner, or such other person to whom such duties have been or may be delegated; that such trimming shall be at the expense of the telephone company.
- H. Nothing herein contained shall be construed as giving to the telephone company any exclusive privileges, nor shall it effect any prior or existing rights of the telephone company to maintain a telephone system within Velda City. (CC 1974 §610.030; Ord. No. 206 §§1--9, 6-6-74)

ARTICLE IV. RESERVED

Editor's Note--Ord. no. 590 §2, adopted April 25, 2006, which was enacted to be in compliance with the Municipal Telecommunications Business License Tax Simplification Act shall be in effect from and after the date of its passage and approval, however, in the event that the Municipal Telecommunications Business License Tax Simplification Act shall be repealed or shall be declared unconstitutional in total or in substantial part, it is the intent of the City per ord. no. 560 §2 to continue in effect the provisions of section 615.030 of the Municipal Code as they existed prior to the effective date of the Act, unaffected by the provisions of the Act to the greatest extent possible without preventing the City from receiving tax revenues under this Article. The sections of this Chapter affected by this ord. no. 590 are 615.030 and 615.031 to 615.037. Due to the invalidity of the act noted above this article has been repealed and ord. no. 206 set out in section 615.030 as ratified and affirmed by ord. no. 595 is now in effect as of September 13, 2006.

SECTIONS 615.031--615.037: RESERVED

ARTICLE V. WATER SERVICE

SECTION 615.040: WATER SERVICE

- A. Every person, firm or corporation now or hereinafter engaged in the business of supplying or furnishing water service in Velda City, County of St. Louis, Missouri, shall pay to the said City as a license or occupational tax six percent (6%) of the gross receipts derived from such business within the City.
- B. Every person, firm or corporation engaged in the business hereinbefore set forth in Velda City is hereby required to file with the City Clerk of Velda City, County of St. Louis, Missouri, on or before July 31, 1974, a sworn statement showing the gross receipts derived from the transaction of such business in Velda City from the effective date of this provision, namely June 6, 1974, until the last day of July, 1974, and on or before the last day of October, January, April and July of each year thereafter, showing the gross receipts derived from such business for the three (3) months immediately preceding the date of the statement, and at the same time pay to the Collector of Velda City, County of St. Louis, Missouri, the tax hereinbefore set forth, provided however, that it shall not be necessary to include in each such

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statement nor calculate the tax upon any receipts derived from any such service furnished the City or any other governmental unit therein.

- C. The Board of Aldermen, or such person authorized by them, shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable business hours to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof.
- D. Any person, firm or corporation engaged in the business hereinbefore set forth within Velda City, making any payment to the City under any ordinance or contract pursuant thereto heretofore enacted, shall receive credit for such payments on the tax set forth herein.
- E. Nothing contained in this Section shall be so construed as to exempt any person, firm or corporation to which this Section is applicable from the payment to Velda City of the tax which Velda City levies upon the real or personal property belonging to any such person, firm or corporation.
- F. Nothing herein contained shall be construed as giving to the water company any exclusive privileges, nor shall it effect any prior or existing rights of the water company to maintain its water supply and distribution system within Velda City. (CC 1974 §610.040; Ord. No. 204 §§1--7, 6-6-74)

ARTICLE VI. UTILITY LICENSE TAX RATE -- MAINTAINED

SECTION 615.050: UTILITY LICENSE TAX RATE -- MAINTAINED

In accord with the provisions of Section 393.275.2, RSMo., 2000, and any successive similar legislation, the City will maintain the tax rate of its business license tax on the gross receipts of utility corporations as provided in this Chapter or as may be revised by the Board of Aldermen from time to time regardless of tariff or rate actions of the Missouri Public Service Commission. (Ord. No. 640 §1, 9-14-11)

CHAPTER 620: MOTOR VEHICLE REPAIR SHOPS

SECTION 620.010: DEFINITIONS

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

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MOTOR VEHICLE: An automobile, truck, motorcycle, or other trackless, self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

MOTOR VEHICLE REPAIR SHOP: Any place, indoors or outdoors, where motor vehicles are repaired for a charge and any place where the work of repairing motor vehicles is carried on as an incident to any other traffic in motor vehicles or their parts or equipment, except that a place where solely minor repair work is done is not a motor vehicle repair shop.

MINOR REPAIR WORK: Work performable in less than one (1) hour which does not require any substantial dismantling including tire changing or repairing; lamp globe changing; fan belt changing; the charging or changing of batteries; and the installation of such other minor parts or the making of such trivial repairs as is customarily done as an incident to the business of selling motor fuel, oil, or accessories.

MAJOR REPAIR WORK: Any work other than minor repair work done on the premises of a motor vehicle repair shop which required direct or indirect physical contact with a motor vehicle or part thereof, including but not limited to such repairs as: spray painting; body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines or radiators requiring removal thereof; or recapping or retreading of tires.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. No. 393 §1(620.010), 1-18-86)

SECTION 620.020: REGULATIONS

All persons operating motor repair shops shall conduct and conform the activity of such business so it complies at all times with these minimum standards of operation:

1. A current Chapter 605 business license shall be obtained and displayed.
2. The business, in all facets, shall be a permitted use under applicable zoning laws.
3. The premises shall contain one (1) hand chemical fire extinguisher for each ten (10) motor vehicles for which accommodations are offered.
4. A written report shall be filed within twenty-four (24) hours with the Chief of Police providing all available identification information for the customer, owner and vehicle of any vehicle which:
 - a. Shows evidence of gunshot damage,
 - b. Shows evidence of mutilated or altered serial number for the motor vehicle or any engine part,

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- c. Shows evidence of tampering with the odometer,
 - d. Shows evidence of being stolen, or
 - e. Remains on the premises for more than fourteen (14) consecutive days, or for more than thirty (30) days in any sixty (60) consecutive days.
5. The exterior premises shall be maintained:
- a. Completely clear of all rubbish, debris, vehicle parts, and other refuse matter; provided, same may be contained within lidded trash barrels or containers placed on the exterior; and
 - b. Completely clear of any grass or weeds exceeding six (6) inches in height and any wild brush or vegetation; provided, trees and landscaped grounds are excluded from this requirement.
6. Motor vehicles must be kept wholly within the garage or other enclosed building:
- a. For the entire time major repair work is being performed, or
 - b. If it is dismantled or wrecked and does not meet the safety inspection standards for maintenance and operation under State law.
7. Motor vehicles kept on the open exterior premises shall be parked on a concrete or asphalt surface area. There shall be a minimum of three (3) feet between parked vehicles and each vehicle shall be a minimum of ten (10) feet from any roadway. Minor repair work on a motor vehicle may be performed on the open exterior premises if completed within a maximum of two (2) consecutive hours.
8. No motor vehicle can be kept, parked or stored on the premises for more than thirty (30) consecutive days or more than forty-five (45) days in any sixty (60) consecutive day period.
9. The hours of operation may not begin earlier than 7:00 A.M. or end later than 9:00 P.M.
10. Off-road vehicles, such as used in construction and farming, are prohibited. (Ord. No. 393 §1(620.020), 1-18-86)

SECTION 620.030: EXCEPTION

On written application and after determining a hardship exists and the public health, safety and welfare will not be significantly effected the Board of Aldermen may grant an exception to any of the minimum standards of operation in Section 620.020. The terms of the exception shall be in writing and shall be publicly posted on the business premises. The exception may

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avoid the standard entirely or partially, be given with or without conditions, and be for any time period not exceeding the term of the current business license. (Ord. No. 393 §1(620.030), 1-18-86)

SECTION 620.040: UNLAWFUL TO VIOLATE REGULATIONS

It shall be unlawful for any person to operate a motor vehicle repair shop that is in violation of any of the minimum standards of operation in Section 620.020; and upon conviction such person shall be subject to a fine up to a maximum of one thousand dollars (\$1,000.00). (Ord. No. 393 §1(620.040), 1-18-86; Ord. No. 617 §1, 7-8-09)

SECTION 620.050: SEPARATE VIOLATIONS

Each instance of a violation of any of the minimum standards of operation shall constitute a separate violation on each day that it exists. (Ord. No. 393 §1(620.050), 1-18-86)

SECTION 620.060: LOSS OF LICENSE

In addition to the grounds stated in Chapter 605, the Board of Aldermen may suspend, revoke or not renew the business license for any motor vehicle repair shop upon a finding after notice and public hearing in accord with Chapter 605 procedures that:

1. The licensee has been convicted of three (3) or more violations of the minimum standards of operation concerning at least two (2) different offense dates occurring within a twelve (12) month period.
2. The licensee has been convicted of five (5) or more violations of the minimum standards of operation concerning at least three (3) different offense dates occurring within a twenty-four (24) month period.
3. The licensed business is being conducted in a substantial and continuing disregard for the minimum standards of operation so as to be detrimental to the public health, safety or welfare, or so as to constitute a nuisance. (Ord. No. 393 §1(620.060), 1-18-86)

CHAPTER 625: VIDEO SERVICE PROVIDERS

Editor's Note--Ord. No. 481 §§1--14 enacted October 11, 1995 adopted the telecommunications regulatory code for the City of Velda City. Per the City's request, said ordinance and any amendments thereto shall heretofore be on

ARTICLE I. EXISTING FRANCHISE

SECTION 625.005: RATIFICATION OF EXISTING FRANCHISES

- A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Aldermen of the City of Velda City, Missouri, hereby ratifies all existing agreements, franchises, code provisions and ordinances regulating cable television operators and other video service providers, including the imposition of a franchise fee of five percent (5%) imposed on the gross revenues of all such providers and further declares that such agreements, franchises, and ordinances shall continue in full force and effect until expiration as provided therein or until pre-empted by the issuance of video service authorizations by the Missouri Public Service Commission or otherwise by law, but only to the extent of said pre-emption.
- B. It shall be unlawful for any person to provide video services, as defined in Section hereof, within the City without either an agreement, franchise or ordinance approved by the City or a video service authorization issued by the Missouri Public Service Commission. (Ord. No. 604 §1, 9-12-07)

ARTICLE II. REGULATIONS

SECTION 625.010: DEFINITIONS

As used in this Article, the following terms shall have the following meanings unless otherwise defined by context:

FRANCHISE AREA: The total geographic area of the City authorized to be served by an incumbent cable television operator or incumbent local exchange carrier or affiliate thereof.

GROSS REVENUES: The total amounts billed to subscribers or received from advertisers for the provision of video services within the City including:

1. Recurring charges for video service,
2. Event-based charges for video service and including, but not limited to, pay-per-view and video-on-demand charges,
3. Rental of set top boxes and other video service equipment,
4. Service charges related to the provision of video service including, but not limited to,

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activation, installation, repair and maintenance charges,

5. Administrative charges related to the provision of video service including, but not limited to, service order and service termination charges, and
6. A pro rata portion of all revenue derived, less refunds, rebates or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the City and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:
 - a. Discounts, refunds and other price adjustments that reduce the amount of compensation received by a video service provider,
 - b. Uncollectibles,
 - c. Late payment fees,
 - d. Amounts billed to subscribers to recover taxes, fees or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein,
 - e. Fees or other contributions for PEG or I-Net support.
7. Charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means. Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

HOUSEHOLD: An apartment, a house, a mobile home or any other structure or part of a structure intended for residential occupancy as separate living quarters.

LOW INCOME HOUSEHOLD: A household with an average annual household income of less than thirty-five thousand dollars (\$35,000.00) as determined by the most recent decennial census.

PERSON: An individual, partnership, association, organization, corporation, trust or government entity.

SUBSCRIBER: Any person who receives video services in the franchise area.

VIDEO SERVICE: The provision of video programming provided through wireline facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand or a per-channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d) or any video

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programming provided solely as part of and via a service that enables users to access content, information, electronic mail or other services offered over the public Internet.

VIDEO SERVICE AUTHORIZATION: The right of a video service provider or an incumbent cable operator that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714 to offer video service to subscribers.

VIDEO SERVICE NETWORK: Wireline facilities, or any component thereof, that deliver video service, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "video service network" shall include cable television systems.

VIDEO SERVICE PROVIDER OR PROVIDER: Any person authorized to distribute video service through a video service network pursuant to a video service authorization.

VIDEO SERVICE PROVIDER FEE: The fee imposed under Section 625.030 hereof. (Ord. No. 604 §2, 9-12-07)

SECTION 625.020: GENERAL REGULATIONS

- A. A video service provider shall provide written notice to the City at least ten (10) days before commencing video service within the City. Such notice shall also include:
 - 1. The name, address and legal status of the provider;
 - 2. The name, title, address, telephone number, e-mail address and fax number of individual(s) authorized to serve as the point of contact between the City and the provider so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week); and
 - 3. A copy of the provider's video service authorization issued by the Missouri Public Service Commission.
- B. A video service provider shall also notify the City, in writing, within thirty (30) days of (a) any changes in the information set forth in or accompanying its notice of commencement of video service, or (b) any transfer of ownership or control of the provider's business assets.
- C. A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the area in which the group resides. A video service provider shall be governed in this respect by Section 67.2707, RSMo. The City may file a complaint in a court of competent jurisdiction alleging a germane violation of this Subsection, which complaint shall be acted upon in accordance with Section 67.2711, RSMo.
- D. A video service provider shall comply with all Federal Communications Commission

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requirements involving the distribution and notification of emergency messages over the emergency alert system applicable to cable operators. Any video service provider other than an incumbent cable operator serving a majority of the residents within a political subdivision shall comply with this Section by December 31, 2007.

- E. A video service provider shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees against any and all claims, suits, causes of action, proceedings and judgments ("claims") for damages or equitable relief arising out of:
 - 1. The construction, maintenance, repair or operation of its video services network,
 - 2. Copyright infringements, and
 - 3. Failure to secure consents from the owners, authorized distributors or licenses or programs to be delivered by the video service network.

Such indemnification shall include, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The City shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the City may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply to any claim related to the provision of public, educational or governmental channels or programming or to emergency interrupt service announcements. (Ord. No. 604 §2, 9-12-07)

SECTION 625.030: VIDEO SERVICE PROVIDER FEE

- A. Each video service provider shall pay to the City a video service provider fee in the amount of five percent (5%) of the provider's gross revenues on or before the last day of the month following the end of each calendar quarter. The City may adjust the video service provider fee as permitted in Section 67.2689, RSMo.
- B. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.
- C. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691, RSMo. A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business. (Ord. No. 604 §2, 9-12-07)

SECTION 625.040: CUSTOMER SERVICE REGULATIONS

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A. For purposes of this Section, the following terms shall mean:

NORMAL BUSINESS HOURS: Those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one (1) night per week or some weekend hours.

NORMAL OPERATING CONDITIONS: Those service conditions which are within the control of the video service provider. Those conditions which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather condition. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the video system.

SERVICE INTERRUPTION: The loss of picture or sound on one (1) or more video channels.

B. All video service providers shall adopt and abide by the following minimum customer service requirements.

1. Video service providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers twenty-four (24) hours a day, seven (7) days a week.
2. Video service providers shall have trained company representatives available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to by a trained company representative on the next business day.
3. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
4. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.
5. Customer service centers and bill payment locations shall be open at least during normal business hours and shall be conveniently located.
6. Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:
 - a. Standard installations shall be performed within seven (7) business days after an order

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has been placed. "Standard" installations are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.

- b. Excluding conditions beyond the control of the operator, the video service provider shall begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. The video service provider must begin actions to correct other, service problems the next business day after notification of the service problem.
 - c. The "appointment window" alternatives for installations, service calls and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.
 - d. A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
 - e. If a video service provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer must be contacted. The appointment shall be rescheduled, as necessary, at a time convenient for the customer.
7. Refund checks shall be issued promptly, but no later than either:
- a. The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
 - b. The return of the equipment supplied by the video service provider if the service is terminated.
8. Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
9. Video service providers shall not disclose the name or address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.
- C. As required by Section 67.2692, RSMo., this Section 625.040 shall be enforced only as follows:

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1. Each video service provider shall implement an informal process for handling inquiries from the City and customers concerning billing issues, service issues and other complaints. If an issue is not resolved through this informal process, the City may request a confidential non-binding mediation with the video service provider, with the cost of such mediation to be shared equally between the City and the video service provider.
2. In the case of repeated, willful and material violations of the provisions of this Section by a video service provider, the City may file a complaint on behalf of a resident harmed by such violations with Missouri's Administrative Hearing Commission seeking an order revoking the video service provider's Public Service Commission authorization. The City or a video service provider may appeal any determination made by the Administrative Hearing Commission under this Section to a court of competent jurisdiction which shall have the power to review the decision de novo. The City shall not file a complaint seeking revocation unless the video service provider has been given sixty (60) day's notice to cure alleged breaches but has failed to do so. (Ord. No. 604 §2, 9-12-07)

SECTION 625.050: PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS PROGRAMMING

- A. Each video service provider shall designate the same number of channels for non-commercial public, educational or governmental ("PEG") use as designated by the incumbent cable operator.
- B. Any PEG channel that is not substantially utilized by the City may be reclaimed and programmed by the video service provider at the provider's discretion. If the City finds and certifies that a channel that has been reclaimed by a video service provider will be substantially utilized, the video service provider shall restore the reclaimed channel within one hundred twenty (120) days. A PEG channel shall be considered "substantially utilized" when forty (40) hours per week are locally programmed on that channel for at least three (3) consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four (4) times during a calendar week.
- C. The operation of any PEG access channel and the production of any programming that appears on each such channel shall be the sole responsibility of the City or its duly appointed agent receiving the benefit of such channel and the video service provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers. The City must deliver and submit to the video service provider all transmissions of PEG content and programming in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal. Such content and programming must be

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compatible with the technology or protocol utilized by the video service provider to deliver its video services. The video service provider shall cooperate with the City to allow the City to achieve such compatibility.

- D. The City shall make the programming of any PEG access channel available to all video service providers in a non-discriminatory manner. Each video service provider shall be responsible for providing the connectivity to the City's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video service providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks in mutually acceptable rates, terms and conditions for the purpose of transmitting PEG programming. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one (1) point per headend, regardless of the number of political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable method of connection acceptable to the person providing the interconnect.
- E. The franchise obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities existing on August 27, 2007 shall continue until the date of franchise expiration (ignoring any termination by notice of issuance of a video service authorization) or January 1, 2012, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one (1) incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be prorated, depending on the nature of the obligation, as provided in Section 67.2703.8, RSMo. The City shall notify each video service provider of the amount of such fee on an annual basis, beginning one (1) year after issuance of the video service authorization.
- F. A video service provider may identify and pass through as a separate line item on subscribers' bills the value of monetary and other PEG access support on a proportionate basis. (Ord. No. 604 §2, 9-12-07)

SECTION 625.060: COMPLIANCE WITH OTHER REGULATIONS

All video service providers shall comply with all other applicable laws and regulations. (Ord. No. 604 §2, 9-12-07)