

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

COMMON EATING AND DRINKING AREA: An area or areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor, where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges, as provided in the respective leases permitting the use of such areas or otherwise, and where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is, or is projected to be, at least two hundred seventy-five thousand dollars (\$275,000.00).

INTOXICATING LIQUOR: Alcohol for beverage purposes, including 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 herein. 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.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any officer appointed by any State or Federal Court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection 2 of Section 311.095, RSMo.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

SALE BY THE DRINK: Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor in the Town of Grantwood Village without a currently valid liquor license issued by the Village. A separate liquor license shall be required for each of the categories and sub-categories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
 1. *Liquor by the drink—malt liquor/wine/beer.* Sales of malt liquor, wine, and beer at retail by the drink for consumption on the premises where sold.
 2. *Common eating and drinking areas.* Sales of intoxicating liquor of all kinds by the drink at retail for consumption on the premises where sold and for consumption in a common eating or drinking area.

- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 11:00 A.M. and Midnight:
1. *Liquor by the drink—restaurant bar.* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
 2. *Liquor by the drink—amusement place.* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
 3. *Liquor by the drink—place of entertainment.* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
 4. *Liquor by the drink—common eating and drinking area.* Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- D. *Temporary permit for sale by drink.*

Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(B), may apply for a special permit to sell intoxicating liquor for consumption on premises where sold. (Vil. Ord. 552-02, 6-11-02)

SECTION 600.030: LICENSE REGULATIONS

A. Newly-Opened Restaurant Bars, Amusement Places.

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be pro-rated for the period of the temporary license based on the cost of the annual license for the establishment.
2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be pro-rated for the period of the temporary license based on the cost of the annual license for the establishment.

B. Temporary Permit For Sale By Drink—Certain Organizations.

1. The Village Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Section, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the Village shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

C. Operating Hours, Days.

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the 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. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.
2. When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as “Super Bowl Sunday”, any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

D. Number Of Licenses Limited.

1. No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each five hundred (500) inhabitants, or fraction thereof, residing within the Village as shown by the last decennial census of the United States.
2. *Determining the number of licenses allowed.* For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:

The issuance of a license as provided in Section 600.020 (B)(3) of this Chapter (Liquor by the drink—all kinds), shall be counted as being commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Sections 600.020 (B)(1) and (B)(2).

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. 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 Chapter, may make application and the Village Clerk 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. Whenever one (1) or more members of a partnership withdraws from the partnership the Village Clerk, 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.
4. In the event any licensee desires to change the location of his/her place of business in the Village, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

G. *Fees Taken In Lieu Of Proportionate Part Of Merchant's Tax And Ad Valorem Tax.* The fees to be charged under the provisions of this Section shall be taken in lieu of the proportionate part of any merchant's license fee and ad valorem tax for the stock and sales of intoxicating liquor or non-intoxicating beer under the provisions of this or any other ordinance of the Village, and the aggregate amount of the sales thereof made by any licensee hereunder shall not be returned by such merchant for purposes of merchant's license or ad valorem tax, nor shall such stock of sales be included in the computation of any merchant's license or ad valorem tax. (Vil. Ord. 552-02, 6-11-02)

SECTION 600.040: SCHEDULE OF LICENSE FEES

Licenses shall be issued for the following purposes (as established in the State law) and for the indicated annual fee:

Sale of 3.2% beer by-the-drink	37.50
Sale of 5% beer by-the-drink	52.50
Set-up license	90.00
Retail liquor by-the-drink	450.00
Restaurant-bar (Sunday sales) (in addition to retail by-the-drink license)	300.00
Amusement place (Sunday sales) (if permitted) (in addition to retail liquor by-the-drink license).....	300.00
Resort	450.00
July 4th license (to civic group, see Section 311.218, RSMo.)	150.00

(Vil. Ord. 552-02, 6-11-02)

SECTION 600.045: STATE LICENSE REQUIRED FOR VILLAGE LICENSE

No Village license shall be issued until the applicant has first received the appropriate State license; provided however:

1. The notice, public hearing and approval for the issuance of the Village license may precede the issuance of the State license, with the ministerial act of physically issuing the license delayed until after receipt of the State license.
2. The Chairman is authorized to issue a letter to the applicant stating that in his/her opinion the issuing authority will issue the license (if such is in fact his/her opinion), if such letter is required by the State for issuance of its license. Such letter will not bind the issuing authority or the Village in any way.

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the Village Clerk on a form to be provided by the Village, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the Village.
- B. *Bond Requirements.* Each application for a license shall be accompanied by a bond, to be given to the Village in the amount of two thousand dollars (\$2,000.00) with sufficient sureties, conditioned that the person obtaining such license shall at all times abide by the provisions of the Liquor Control Act of the State of Missouri, this Chapter and all other ordinances of the Village. Only one (1) bond shall be required under this Section from any one (1) person and such bond shall, while in force, cover all licenses held by any one (1) applicant and all classes of sales carried on hereunder. Such bond may be sued on in the name of the Village for the use and benefits of any person damaged by the breach of any of the conditions thereof.
- C. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale

contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and

address of any such businesses with a liquor license, whether within or without the Village; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Trustees also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

- D. *Neighborhood Approval Required.* The application must be signed by a majority of the property owners within a distance of two hundred (200) feet from the proposed location in all directions and measured exclusive of streets, alleys, right-of-ways, and public land.
- E. *Hearing On Application.* Upon the filing of the application with the Village Clerk, the Village Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application, and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought, and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any school, church or other building regularly used as a place of 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 the church or place of worship; except that when a school, church or place of worship shall thereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.
 2. The Board shall approve the application if after the hearing it finds that:
 - a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
 - b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the Village;
 - c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;

- d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
 - e. The application is supported in writing by a majority of the property owners within three hundred (300) feet of the location in which the applicant proposes to conduct a retail liquor business; and
 - f. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the Village and the provisions of this Chapter.
- F. Upon approval of any application for a license the Village Clerk shall grant the applicant a license to conduct business in the Village for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- G. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Village Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (E) of this Section. (Vil. Ord. 552-02, 6-11-02)

SECTION 600.060: MINORS

- B. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.*
- 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
 - 2. In any place of business licensed in accordance with this Chapter, 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 carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.
 - 3. 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.

B. *Sales To Minor—Exceptions.*

1. No licensee, his/her employee, or any other person shall procure for, 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, except that this Section shall not apply to the parent or guardian of the minor nor 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 such 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 while serving in the capacity as an employee of a licensed establishment.
2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor. (Vil. Ord. No. 654.11, 9-21-10)

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor.*

1. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010 or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is in violation of this Section.

2. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood.
 - a. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
 - b. Chemical analysis of the person's breath, blood, saliva or urine shall be performed by persons and according to methods approved by the State pursuant to Section 311.325.3, RSMo.
 - c. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person, at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
 - d. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:
 - (1) The type of test administered and the procedures followed;
 - (2) The time of the collection of the blood or breath sample or urine analyzed;
 - (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - (4) The type and status of any permit which was held by the person who performed the test;
 - (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.
 "Full information" does not include manuals, schematics or software of the instrument used to test the person, any material that is not in the actual possession of the State, or information in the possession of the manufacturer of the test instrument.

3. The provisions of this Subsection shall not apply to a student who:
 - a. Is eighteen (18) years of age or older;
 - b. Is enrolled in an accredited college or university and is a student in a culinary course;
 - c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine or other similar malt or fermented beverage as part of the required curriculum; and
 - d. Tastes a beverage under Subsection (D)(3)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

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The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one

(21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum. (Vil. Ord. No. 654.11, 9-21-10)

- E. For purposes of prosecution under this or any other Section of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (21) years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor. (Vil. Ord. No. 654.11, 9-21-10)

SECTION 600.070: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.
- C. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- E. *Off-Premises Consumption.*
1. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor or non-intoxicating beer in any unsealed glass, bottle, can or other open container of any type.
 2. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING."
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

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- G. *Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the Village, or any parking lot.

2. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon or parked or standing in or upon any public place.

H. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section. (Vil. Ord. 552.02, 6-11-02)

SECTION 600.080: ADMINISTRATION OF LAW—LICENSE SUSPENSION

A. *Suspension Or Revocation Of License—When—Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the Village Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than five (5) days' written notice to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. Mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapter 311, RSMo., or any ordinance of the Village;
2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
3. Making a false affidavit in an application for a license under this Chapter;
4. Failing to keep an orderly place or house;
5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.

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- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311, RSMo. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090: HEARINGS UPON APPLICATIONS FOR, OR TO SUSPEND OR REVOKE, LICENSES

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing he/she shall be sworn by the Village Clerk to tell the truth and nothing but the truth.
- D. *Decision—License Application.* If the evidence supports a finding that a license should be granted, such license shall issue in accordance with Section 600.050(F) of this Chapter. If the evidence supports a finding that the license should be disapproved, the Board shall so notify the applicant in writing, setting forth the grounds and reasons for disapproval, and shall return therewith the applicant's remittance.
- E. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended then no such order shall issue.
- F. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

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SECTION 600.100: PENALTIES

Any person violating any of the provisions of this Chapter, including but not limited to the Miscellaneous Offenses of Section 600.070 of this Chapter, shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

CHAPTER 605: BUSINESS LICENSES

SECTION 605.010: LICENSE REQUIRED

- A. It is the intention of the Village to exercise to the fullest extent of its licensing power, and to require a license from any and all merchants, manufacturers, trades, and professions that can legally be required to obtain a license.
- B. It shall be unlawful for any person, corporation, or organization, either directly or indirectly, to conduct within the Village any business, or to use in connection therewith any vehicle, premises, machine or device or which a license is required by this Chapter without the license so required having been first obtained and thereafter kept in effect at all such times as required by this Chapter. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.020: BUSINESS / MERCHANT DEFINED

- A. Business. A person, corporation or organization shall, except as may be provided otherwise in this Chapter, be deemed to be in business within the meaning of this Chapter when such person, corporation or organization is producing or processing a product for resale, selling or soliciting the sale of any goods or service, or offering goods or service for sale or hire, or using any vehicle or premises in the Village for such purposes. A business shall not include a "Home Business" as defined in this Code.
- B. Merchant. A person, corporation or organization whose business includes the producing or processing of a product for resale, or the wholesale purchase of merchandise for the purpose of retail sale, and such products and/or merchandise is sold for a profit to a consumer (s) at a retail business located within the Village. (Vil. Ord. No. 563; 5-20-03)
- C. Food Truck Merchant is a person, corporation or organization whose primary business includes the selling of prepared foods, soft drinks or alcoholic beverages from a non-permanent structure that is mobile in nature. (Vil. Ord. No. 720.17; 1-17-17)

SECTION 605.030: BUSINESS LICENSE DURATION - FEE

- A. That beginning on January 1, 2018, all approved business license applications shall be issued for one calendar year commencing on January 1st of the year in which the license was issued and such license shall expire on December 31st of the same year. There shall be an annual license fee for the license to be issued to a business or merchant. All licenses herein issued are non-transferable. Any person or entity in possession of a license that expires on June 30, 2017, or any person or entity that obtains a new business license between June 30, 2017 and December 31, 2017 shall be issued a **2017 Remainder Business License** that will expire on December 31, 2017. The cost for the **2017 Remainder Business License** shall be one-half of the fees as described in Sections 605.030(B) and 605.030(C). (Vil. Ord. No. 723.17; 5-16-17)
- B. There shall be an annual fee of \$500.00 for a business with annual gross receipts of equal to or more than One Million and No/100 Dollars (\$1,000,000.00) in the most recent fiscal year of the business.
- C. There shall be an annual fee of \$50.00 for a business with annual gross receipts of less than One Million and No/100 Dollars (\$1,000,000.00) in the most recent fiscal year of the business. (Vil. Ord. No. 601; 10-17-06)
- D. A Food Truck Merchant as described in Section 605.020.C shall be issued a business license for an annual fee of Fifty Dollars (\$50.00). The license shall commence on the First day of January in the

year in which the license was issued and shall expire on the Thirty-first day of December in the same year. The sale of alcoholic beverages by any Food Truck Merchant shall be prohibited unless said merchant is in compliance with all provisions of Sections 600.010 through 600.100 of the Town Code. (Vil. Ord. No. 720.17; 1-17-17)

SECTION 605.040: APPLICATION - ORIGINAL LICENSE

- A. An applicant for an original license shall submit an application to the Village License Officer by a written statement upon forms provided by the Village License Officer, which shall disclose all information which the Village License Officer shall find to be reasonably necessary to the fair administration of this Chapter, and which shall be accompanied by the full amount of any fees required for such license, which shall not be construed as approval for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to this Chapter.
- B. Each applicant for an original license shall apply for and receive the required license before doing any business in the Village. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.050: APPLICATION - RENEWAL OF LICENSE

- A. Each application for the renewal of a license under this Chapter shall submit an application therefor to the Village License Officer upon forms provided by such Officer, which shall include such information which the License Officer shall find to be reasonably necessary to the fair administration of this Chapter and information as to the conduct and operation of applicant's business during the preceding licensing period.
- B. Each applicant for renewal of a license shall apply for the required renewal license in May of the year of the June 30th expiration date of the current license. (Vil. Ord. No. 563; 5-20-03). In the case of a Food Truck Merchant, the application for renewal shall be made in November for the following calendar year. (Vil. Ord. No. 721.17; 1-17-17).

SECTION 605.060: VILLAGE LICENSE OFFICER - DUTIES, GENERALLY

- A. The Village Clerk shall be the Village License Officer and shall issue in the name of the Village all licenses required by this Chapter to all qualified applicants when all required taxes and fees have been paid in accordance with the provisions of this Chapter. The Village Clerk shall issue business licenses within two (2) weeks of the receipt of the required application and fees. (Vil. Ord. No. 721.17; 1-17-17).
- B. Taxes and fees required by this Chapter to be paid by any applicant shall be payable to the Village and submitted to the Village License Officer, who shall issue a proper receipt to each applicant making any such payment. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.070: VILLAGE LICENSE OFFICER - PROMULGATION OF RULES AND REGULATIONS - ADDITIONAL DUTIES

- A. The Village License Officer shall adopt and promulgate such rules and regulations as he/she may consider desirable for the administration of this Chapter. When approved by the Village Chairman and one other Village Trustee, excluding the Village Clerk, such rules and regulations shall be placed on file in the office of the Village for inspection and use by the public, and the provisions thereof shall be enforced by the Village License Officer.

- B. The Village License Officer shall investigate and determine the eligibility of any applicant for a license or a renewal, and may examine the books and records of any applicant when reasonably necessary to the administration or enforcement requirements of this Chapter. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.080: OPERATING MORE THAN ONE BUSINESS AT SAME LOCATION

- A. A separate license shall be obtained for each business required by this Chapter to be licensed. A person, corporation or organization engaged in two (2) or more businesses at the same locations shall not be required to obtain a separate license for each business but, when eligible, shall be issued one (1) license, which shall specify on its face all such businesses.
- B. When an applicant intends to engage in two (2) or more businesses at the same location under one (1) license, the applicant shall pay a license fee equal to the total of all the fees required for each business so licensed. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.090: POSTING OR DISPLAYING OF LICENSE

All licenses under this Chapter shall post and maintain their license upon the premises in a place where it may be seen at all times. All licensees under this Chapter who do not have licensed business premises shall carry the license on their person and shall, if requested, display it to Village Officers having authority to enforce this Chapter and to those persons with whom the licensee transacts business. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.100: LICENSE NOT REQUIRED FOR DELIVERY OF GOODS PURCHASED OUTSIDE VILLAGE

Except as may be provided otherwise by this Chapter, no license shall be required for any mere delivery in the Village of any property purchased or acquired in good faith from a vender at its regular place of business outside the Village where no intent by such vender is shown to evade the provisions of this Chapter. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.110: INSPECTION OF BUSINESS, BOOKS, ETC. - OPERATION OF BUSINESS UPON REVOCATION, EXPIRATION, ETC.

Each licensee under this Chapter shall permit all reasonable inspections of the business and examination of the books by the Village License Officer and refrain from operating the licensed business after expiration of the license and during any period the license may be revoked or suspended. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.120: RESPONSIBILITY OF REPRESENTATIVES FOR COMPLIANCE OF PRINCIPALS, ETC., WITH CHAPTER

The local agents or other representatives of non-residents who are doing business in this Village shall be personally responsible for the compliance of their principals and of the businesses and enterprises they represent with all applicable provisions of this Chapter. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.130: CONFIDENTIALITY OF INFORMATION

The Village License Officer, and all other Village Officers and Officials who may be officially concerned with administering and enforcing this Chapter, shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged with the administration of this Chapter; provided, that this Section shall not prohibit any Village Officer from testifying as to such information in compliance with a subpoena issued from a court of competent jurisdiction or from the Board of Trustees in any proceeding before it.. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.140: SALE OF ALCOHOLIC BEVERAGES

Any license fee and/or permit required for the sale of alcoholic beverages under the provisions of Chapter 600 of this Code, shall be in addition to such licenses required by the provisions of this Chapter 605. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.150: FEES FOR OPERATING VEHICLE ON PUBLIC HIGHWAYS SUPPLEMENTAL TO FEES REQUIRED BY OTHER GOVERNMENT AGENCIES

Any general or special license fees for any kind of vehicle for the privilege of operating such vehicle upon the public highways shall be in addition to any other licenses, permits, insignias or fees for such vehicles otherwise required by the Village, State or Federal law. (Vil. Ord. No. 563; 5-20-03)

SECTION 605.160: APPLICATION, APPROVAL - DISAPPROVAL / REVOCATION OF LICENSE

- A. The Village License Officer shall have the authority to approve or disapprove an application for a business license, and shall:
 - 1. Upon approval of an application, within a reasonable time thereafter, issue the appropriate license to the applicant, or
 - 2. Upon the disapproval of an application state in writing the reasons therefor, and promptly deliver such notice, either personally or by registered mail, to the applicant. Such notice shall include a refund of all money paid in advance by the applicant; provided, the applicant is not otherwise indebted to the Village.
- B. The Village License Officer, after consultation with and advise of the Village Attorney, shall have the authority to revoke for good cause the license of any licensee and such licensee shall thereby forfeit any money paid to the Village with respect to obtaining the revoked license.
- C. The Village License Officer and Village Police shall have the authority to inspect and examine Village businesses for the purpose of enforcing compliance with the provisions of this Chapter
- D. When the issuance of a license is refused or an existing license is revoked and an action or proceeding is brought by either the respective applicant or licensee to compel the issuance of a license or rescind the revocation of a license, such applicant or licensee shall not engage in the business for which the license was refused or revoked during the period that the action or proceeding is pending. (Vil. Ord. No. 563; 5-20-03)

CHAPTER 606: VIDEO SERVICES ACT OF 2007

WHEREAS, the 94th General Assembly enacted SB284, codified as Sections 67.2675 through 67.2714 R.S.Mo. and known as the "2007 Video Services Providers Act," which contemplates the preemption or expiration of the historical authority of local governments to franchise cable television operators and establishes a state-wide franchise scheme for all video service providers, including cable television operators; and

WHEREAS, within this context the Act reserves to local governments certain regulatory authority over video service providers, including the imposition of fees on gross revenues attributable to the provision of video services, the establishment of uniform customer service standards, and the regulation of the location and appearance of video service facilities in municipal rights of way and on private property, among other things; and

WHEREAS, the Village held a public hearing to consider the merits of this Ordinance, after satisfying all publication and notice requirements established by law, and all persons present at such hearings were given an opportunity to be heard and were heard;

SECTION 606.010: RATIFICATION OF EXISTING FRANCHISES

- A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Trustees of the Town of Grantwood Village hereby ratifies all existing agreements, franchises, 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 preemption.
- B. It shall be unlawful for any person to provide video services, as defined in Section 2 hereof, within the Village without either an agreement, franchise, or ordinance approved by the Village or a video service authorization issued by the Missouri Public Service Commission.

SECTION 606.020: VIDEO SERVICE REGULATIONS

- A. Definitions. The following terms shall have the following meanings unless otherwise defined by context:

"Franchise Area," the total geographic area of the Village 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 Village, including (a) recurring charges for video service, (b) event-based charges for video service, including but not limited to pay-per-view and video-on-demand charges, (c) rental of set top boxes and other video service equipment, (d) service charges related to the provision of video service, including but not limited to activation, installation, repair, and maintenance charges, (e) administrative charges related to the provision of video service, including but not limited to service order and service termination charges, and (f) 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 Village and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include (i) discounts, refunds, and other price adjustments that reduce the amount of compensation received by a video service provider, (ii) uncollectibles, (iii) late payment fees, (iv) 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, (v) fees or other contributions for PEG or I-Net support, or (g) 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 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 wire line 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. § 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d), or any video 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," wire line 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 2.C. hereof.

B. General Regulations.

1. A video service provider shall provide written notice to the Village at least ten days before commencing video service within the Village. Such notice shall also include:
 - (a) The name, address and legal status of the provider;
 - (b) 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 Village and the provider so as to make contact possible at any time (i.e., 24 hours per day, seven days per week); and
 - (c) A copy of the provider's video service authorization issued by the Missouri Public Service Commission.

2. A video service provider shall also notify the Village, in writing, within thirty 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.
3. 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, R.S.Mo. The Village 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, R.S.Mo.
4. A video service provider shall comply with all Federal Communications Commission 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 no later than December 31, 2007.
5. A video service provider shall, at its sole cost and expense, indemnify, hold harmless, and defend the Village, 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 (i) the construction, maintenance, repair or operation of its video services network, (ii) copyright infringements, and (iii) 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 Village's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The Village 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 Village 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.

C. Video Service Provider Fee.

1. Each video service provider shall pay to the Village 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 Village may adjust the video service provider fee as permitted in Section 67.2689 R.S.Mo.
2. 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.
3. The Village, 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 R.S.Mo. 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.

D. Customer Service Regulations.

1. 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 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 conditions. 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 or more video channels.

2. All video service providers shall adopt and abide by the following minimum customer service requirements.
 - (a) Video service providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers 24 hours a day, seven days a week.
 - (b) 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.
 - (c) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis.
 - (d) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time.
 - (e) Customer service centers and bill payment locations shall be open at least during normal business hours and shall be conveniently located.
 - (f) Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent of the time measured on a quarterly basis:
 - (i) Standard installations shall be performed within seven business days after an order has been placed. "Standard" installations are those that are located up to one hundred and twenty-five feet from the existing distribution system.
 - (ii) 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 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.

- (iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-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.
 - (iv) 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.
 - (v) 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.
 - (g) 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 days, whichever is earlier, or (b) the return of the equipment supplied by the video service provider if the service is terminated;
 - (h) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
 - (i) 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. § 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.
3. As required by Section 67.2692 R.S.Mo., this Section 2.D shall be enforced only as follows:
- (a) Each video service provider shall implement an informal process for handling inquiries from the Village and customers concerning billing issues, service issues, and other complaints. If an issue is not resolved through this informal process, the Village may request a confidential nonbinding mediation with the video service provider, with the costs of such mediation to be shared equally between the Village and the video service provider.
 - (b) In the case of repeated, willful, and material violations of the provisions of this section by a video service provider, the Village 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 Village 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 Village shall not file a complaint seeking revocation unless the video service provider has been given 60 days notice to cure alleged breaches but has failed to do so.
- E. Public, Educational, and Government Access Programming.
- 1. Each video service provider shall designate the same number of channels for noncommercial public, educational, or governmental ("PEG") use as required of the incumbent cable television franchise as of August 28, 2007.

2. Any PEG channel that is not substantially utilized by the Village may be reclaimed and programmed by the video service provider at the provider's discretion. If the Village 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 120 days. A PEG channel shall be considered "substantially utilized" when 40 hours per week are locally programmed on that channel for at least three consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four times during a calendar week.
3. 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 Village 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 Village 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 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 Village to achieve such compatibility.
4. The Village shall make the programming of any PEG access channel available to all video service providers in a nondiscriminatory manner. Each video service provider shall be responsible for providing the connectivity to the Village'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 on 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 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.
5. 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 incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be pro-rated, depending on the nature of the obligation, as provided in Section 67.2703.8, R.S.Mo. The Village shall notify each video service provider of the amount of such fee on an annual basis, beginning one year after issuance of the video service authorization.
6. 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.

F. Compliance with Other Regulations.

All video service providers shall comply with the public right of way use (Ch. 521) and zoning (utility facilities) regulations (Chapter 250) established in the Municipal Code Book for the Town of Grantwood Village and with all other applicable laws and regulations.

SECTION 606.030

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, and each day the violation continues shall constitute a separate offense.

SECTION 606.040

It is hereby declared to be the intention of the Board of Trustees that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Trustees intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect. (Vil. Ord. No. 614-07, 9-18-07)

313.6

CHAPTER 610: PEDDLERS AND SOLICITORS

SECTION 610.010: PURPOSE

This Chapter is designed and intended to:

1. Preserve the privacy of the Village residents, and avoid undue annoyances that disrupt the quiet enjoyment of their homes by peddlers, solicitors and canvassers,
2. Maximize the United States and State of Missouri Constitutional rights of peddlers, solicitors, and canvassers, as well as protect the Village residents from fraud and harassment, and to be secure in their homes,
3. Reduce the opportunity for crime in the Village by attempting to provide some assurance to residents of the Village that peddlers, solicitors and canvassers are not burglars and criminals in disguise, and
4. Attempt to increase the physical safety of peddlers, solicitors and canvassers who go from place to place within the Village. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.020: PEDDLERS, SOLICITORS AND CANVASSERS, DEFINED

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

- A. "Peddler" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or a service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of the visit. Such a person is a "solicitor."
- B. "Solicitor" is a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to obtain a donation for a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.
- C. "Canvasser" is a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.030: EXCEPTION

This ordinance shall not apply to a federal, state or local government employee or a public utility employee in the performance of his or her duty for his or her employer. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.040: IDENTIFICATION CARD REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the Village without first obtaining an Identification Card in accordance with this ordinance. A canvasser is not required to have an Identification Card but any canvasser desiring an Identification Card for the purpose of reassuring Village residents of the canvasser's good faith shall be issued one upon request. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.050: FEES

The fee for the issuance of each Identification Card shall be:

- A. For a peddler acting on behalf of a merchant otherwise licensed to do business within the Village . . . **NO FEE.**
- B. For a peddler acting on behalf of a merchant not otherwise licensed to do business withing the Village . . . **\$25.00.**
- C. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from residence) . . . **NO FEE.**
- D. For a canvasser requesting an Identification Card . . . **NO FEE.** (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.060: APPLICATION FOR IDENTIFICATION CARD

Any person or organization (formal or informal) may apply for one or more identification cards by completing an application form at the office of the issuing officer during regular business hours. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.070: CONTENTS OF APPLICATION OF IDENTIFICATION CARD

The applicant (person or organization) shall provide the following information:

- A. Name of applicant.
- B. Number of identification cards required.
- C. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken.
- D. The permanent and local address, if any, of the applicant.
- E. The permanent and local address, if any, of each person for whom a card is requested.

- F. A brief description of the proposed activity related to this identification card. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
- G. Date and place of birth for each person for whom a card is requested and, if available, the social security number of each such person.
- H. A list of all infractions offenses, misdemeanors, and felony convictions of each person for whom a card is requested for the seven years immediately preceding the application.
- I. The motor vehicle make, model, year, color and state license plate number of any vehicle which will be used by each person for whom a card is requested.
- J. If a card is requested for a PEDDLER:
 - 1. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - 2. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the city's annual report of Sales Tax payees as provided by the Missouri Department of Revenue.
 - 3. The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine whether all required sales taxes have been paid.
- K. If a card is requested for a SOLICITOR:
 - 1. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - 2. The web address or other address of the requesting organization, person or group (or other address) so that residents having subsequent questions may look for further information.
- L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.080: ISSUANCE OF IDENTIFICATION CARD

The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

- A. the applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,

- B. with respect to a particular card, if the individual for whom a card is requested has been convicted of a felony or a misdemeanor involving moral turpitude within the preceding seven years, or
- C. any statement on the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.090: INVESTIGATION

During the period of time following the application for one or more identification cards and its issuance, the Village shall investigate the truth and accuracy of the information contained in the application. If the Village has not completed the investigation within sixteen (16) business hours provided in Section 610.080, the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation. [If a canvasser requests an identification card, the investigation will proceed as described above, but if the Village refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him or her from canvassing the residents of the Village.] (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.100: IDENTIFICATION CARDS OF OTHER CITIES OR MUNICIPALITIES

In lieu of the application procedure above, an applicant may produce identification cards issued by another city or municipality having an ordinance substantially similar to this one. If done, the issuing officer may, at his or her discretion, immediately issue identification cards without the necessity of a formal application or investigation. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.110: DENIAL; ADMINISTRATIVE REVOCATION

If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one or more persons, he shall immediately notify the applicant of his decision and shall, within sixteen (16) working hours after the denial, prepare a written report of the reason(s) for the denial and make the completed report immediately available to the applicant. Upon receipt of the oral notification, and even before the preparation of the written report, the applicant shall have, at his option, an appeal of the denial to the following tribunal:

The Board of Trustees, at its next regular meeting of the Board, or if the next regular meeting is more than fourteen (14) days from the denial of the identification card, at a special meeting to be held within that fourteen (14) day period. The applicant shall submit a written request for such hearing to the Chairman of the Board of Trustees no less than three (3) days from the date of the denial. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.120: HEARING ON APPEAL

If the applicant requests a hearing under Section 610.110, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri, and review from the decision (on the record of the hearing) shall be had to the circuit court of the county in which the Village is

located. The hearing shall also be subject to the Missouri Open Meetings and Records law. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.130: DISPLAY OF IDENTIFICATION CARD

Each identification card shall be, when the individual for whom it was issued is acting as a PEDDLER or SOLICITOR, worn on the outer clothing of the individual, so as to be reasonably visible to any citizen who might be approached by said PEDDLER or SOLICITOR. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.140: VALIDITY OF IDENTIFICATION CARD

An identification card shall be valid within the meaning of this ordinance for a period of six (6) months from its date of issuance or the term requested, whichever is less. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.150: REVOCATION OF CARD

In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

- A. Any violation of the Chapter by the applicant or by the person for whom the particular card was issued.
- B. Fraud, misrepresentation or knowingly false statements made in the course of carrying on the activity.
- C. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven years.
- D. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the Village attorney or the issuing officer pursuant to the Missouri Administrative Procedure Act, and a subsequent hearing before the tribunal identified in Section 610.110 above. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.160: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter, or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.

2. No handbill or flyer shall be left at or attached to any privately owned property without prior permission from said property owner.
3. No handbill or flyer shall be left at or attached to any property having a “no solicitor” sign of the type described in Section 610.170, A or B, below.
4. Any person observed distributing handbills or flyers shall be required to identify him/herself to the police (either by producing an identification card or other form of identification). This is for the purpose of ascertaining the probable identity of any perpetrator in the event that the Village receives a complaint of damage caused to private property during the distribution of handbills or flyers or for other legitimate concerns of security. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.170: GENERAL PROHIBITIONS

No peddler, solicitor or canvasser shall:

- A. Enter upon any private property where the property has clearly posted, in the front yard, a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such signs need not exceed one square foot in size and may contain words such as “no soliciting” or “no solicitors” in letters of at least two inches in height.
- B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “no soliciting” or “no solicitor” and which is clearly visible to the peddler, solicitor or canvasser.
- C. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
- D. Not remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
- E. Not enter upon the property of another except between the hours of 9:00 a.m. and 9:00 p.m. throughout the year.

Except that the above prohibitions shall not apply when the peddler, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling to enter upon his or her property. (Vil. Ord. No. 559-02, 10-15-02)

SECTION 610.180: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this ordinance shall have committed a trespass on such property, and shall be prosecuted under the general trespass ordinance of the Village. The penalty for such violation shall be the same as for any other trespass. (Vil. Ord. No. 559-02, 10-15-02)

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CHAPTER 615: GARAGE/YARD/ESTATE SALES

SECTION 615.010: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases, words, and their normal derivations, will have the meanings given herein:

GARAGE, YARD, or ESTATE SALE: A sale of goods offered to the public conducted at a single-family residential dwelling place.

GOODS: Any goods, wares, merchandise, articles or other personal property, capable of being the object of a sale regulated hereunder.

PERSON: Any resident of Grantwood Village, or heir(s), or estate of such resident.

SECTION 615.020: NUMBER OF SALES

It shall be unlawful to conduct more than two (2) sales at the same location within any calendar year.

SECTION 615.030 REQUEST FOR APPROVAL

- A. Any person proposing to conduct a sale shall complete the form provided by the Village and present the form for consideration to the Grantwood Village Building Commissioner no less than thirty (30) days prior to the day of the proposed sale. The form shall state the residence where such sale is to be conducted, the date and time of such sale, and the name, address, and telephone number of the person(s) responsible for conducting such sale. (Vil. Ord. No. 714-16:7-19-16)
- B. The application form shall be submitted with a payment of Twenty-Five Dollars (\$25.00) per day for each proposed day of the sale. (Vil. Ord. No. 714-16:7-19-16)

SECTION 615.040: DURATION OF SALES

It shall be unlawful to conduct a sale lasting longer than one (1) day duration, except with the prior approval of the Village Building Commissioner, a sale of two (2) consecutive days may be conducted and will be deemed two (2) sales. (Vil. Ord. No. 714-16:7-19-16)

SECTION 615.050: ADVERTISING SIGNS RESTRICTED

No person shall erect, place, post or mark any sign advertising a sale on any public property, including street signs and posts, and traffic signs and posts or on any public utility pole. Any sign erected, placed, posted or marked, advertising such sale shall be placed and removed on or before the day of such sale. The person responsible for conducting such sale shall be responsible for removing any such sign.

SECTION 615.060: NO CONSIGNMENT OF GOODS

No personal property of any type belonging to anyone not living in the residence, or which the person living in such residence has not owned at least six (6) months, shall be brought upon the premises for the purpose of being sold in such sale. However, the members of a neighborhood may jointly hold a sale at one (1) or more locations, provided each person involved completes and properly submits the form provided by the Village.

SECTION 615.070: GOODS NOT TO BE DISPLAYED ON PUBLIC PROPERTY

No goods offered for sale at a sale shall be displayed for sale on any public street or right-of-way, or other public property.

SECTION 615.080: PENALTY

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) and a sum not to exceed One Hundred Dollars (\$100.00). Each day during which any violation of this Chapter continues or exists shall be deemed to be a separate violation.

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CHAPTER 616: RENTAL OF LOWER LEVEL MEETING ROOM

SECTION 616.010: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases, words, and their normal derivations, will have the meanings given herein.

PROHIBITED ORGANIZATION or GROUP: A not-for-profit organization or group that is not prohibited from use by the provisions of this Chapter.

PERSONAL USE: Use by a Village resident for purposes such as birthday, anniversary or retirement party for a family member or friend of the resident, and at which the resident will be in attendance during the activity.

CLEAN-UP FEE: A dollar amount to defray the cost to the Village to clean up the areas used during the event for which the premises was rented. The "Clean-Up Fee" may be revised by the Board of Trustees from time to time and shall be clearly stated on the "Request Application."

PREPARATION AND SET-UP TIME: Reasonable time to prepare food and drinks, decorate area and make other usual preparations for the rented activity.

SECTION 616.020: RENTAL LIMITED TO RESIDENTS

Rental of the Village Hall Lower Level Meeting Room is limited to personal use by Village resident homeowners or to any not-for-profit organization or group that is not otherwise prohibited from use, and in which such resident is a member and a participant in the activity for which the meeting room is to be utilized.

SECTION 616.030: REQUEST TO RENT MEETING ROOM

- A. A Village resident homeowner desirous of renting the meeting room shall complete the "Request Application" form obtainable at the Village Hall and, within not less than fifteen (15) days prior to the requested rental date, present the properly completed form to the Village Hall office for consideration by the Board of Trustees. The Board may, under special circumstances and in individual cases, decrease the fifteen day requirement.
- B. Approved Request Application forms will be signed by a member of the Board and a copy will be promptly returned to the applicant. If approval is not granted, the applicant will be promptly notified.

SECTION 616.040: RENTAL FEES

- A. There shall be no rental fee for the personal use of the premises by a resident. However, there shall be a "Damage Deposit" in the amount of One Hundred Dollars (\$100.00) and a "Clean-Up" fee in the amount of Forty Dollars (\$40.00).
- B. There shall be a rental fee in the amount of Forty Dollars (\$40.00) per hour for use of the premises by a resident's organization or group, in addition to a "Damage Deposit" in the amount

of One Hundred Dollars (\$100.00) and a “Clean-Up” fee in the amount of Forty Dollars (\$40.00).

- C. The full rental fee, where applicable, damage deposit and clean-up fee must be received by the Village not later than fourteen (14) days prior to the approved date of rental. The Board may, under special circumstances and in individual cases, decrease the fourteen day requirement.
1. Full refund will be made for cancellations made within seven (7) days of the approved rental date. Cancellations made thereafter will result in a twenty (\$20.00) dollar penalty.
 2. The applicant will be promptly notified of any damage as a result of his/her, or his/her organization’s or group’s use of the Village property, and if there is no damage, the damage deposit will be returned to the applicant within fourteen (14) days from the rental date.

SECTION 616.050: RENTAL HOURS AVAILABLE

- A. The premises shall be available for rental any day of the week during the hours between 10:00 A.M. and 11:30 P.M.
- B. The applicant may request “preparation and set-up” time prior to the approved rental hours, and if approved by the Board, there shall be no fee for said additional time.
- C. Any decorations, other than centerpieces and tablecloths, must have prior approval of a Village Board member. All decorations must be removed from the premises at the conclusion of the rental period, or as soon thereafter as possible.
- D. A thirty (30) minute clean-up period beyond the check-out time stated on the application form shall be permitted, and is included in the rental fee, if any. The premises shall be completely vacated by 12:00 Midnight.

SECTION 616.060: MAXIMUM OCCUPANCY

The maximum occupancy of the Village Hall lower level is limited to fifty (50) persons.

SECTION 616.070: PROHIBITED ACTIVITIES

The following activities are prohibited in the Village Hall:

1. Business or religious activities.
2. Illegal activities, such as gambling, under-age drinking or illicit drug sale or use.
3. Excessive noise, rowdiness, drunkenness or lewdness.
4. Activities that may damage the facility or other Village property.
5. Allowing animals, except assist animals, in the building.
6. Smoking, or any type of open flame.

SECTION 616.080: RESPONSIBLE PERSON

The resident that signed the rental request application form shall be responsible:

1. For the actions of his/her guests and agents, and any damage to the Village building or equipment, even to the extent that it may exceed the damage deposit.
2. To see that the rented premises are left in a clean and orderly condition, and all tables and chairs are returned to their original positions.
3. For removal of all food from the premises, picking up all debris from the floor and properly disposing of it, and wiping all tables and chairs clean.

SECTION 616.090: RIGHT OF REFUSAL TO USE

- A. Applications for rental of the Lower Level will usually be considered by the Board in the order properly received.
- B. The Village Board of Trustees shall have the authority to refuse any request for rental and use of the Village Hall Lower Level Meeting Room.

SECTION 616.100: PENALTY

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) and a sum not to exceed One Hundred Dollars (\$100.00). Each day during which any violation of this Chapter continues or exists shall be deemed to be a separate violation. (Village Ord. No. 517, 9-14-99)

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CHAPTER 620: AMUSEMENTS

SECTION 620.010: DEFINITIONS

The following definition shall apply to the terms in this Chapter:

AMUSEMENT PARK: A park within which various rides, games, shows, eating places, and other recreational or amusement activities are operated as entertainment for the public.

SECTION 620.020: AMUSEMENT TAX LEVIED

There is levied upon certain shows, amusement facilities and amusement parks an amusement tax not to exceed five percent (5%) of each paid admission fee to such show, facility or amusement park.

SECTION 620.030: NO AMUSEMENT TAX LEVIED ON PARKING FEES

The Amusement Tax shall not be levied upon receipts or charges imposed for parking in the amusement park.

SECTION 620.040: ADMINISTRATION AND COLLECTION

The Village Treasurer shall collect such tax from each amusement park and shall report monthly to the Board of Trustees the amounts collected.

The owner or operator of the amusement park shall provide the Village Treasurer with an accurate tabulation of the paid admission fees collected each month and shall make a payment to the Village in the amount of five percent (5%) of the total admission fees collected. This payment will be due by the fifteenth (15th) day of the month following the monthly reporting period.

Upon request by the Village Treasurer, all books and records of the amusement park, as are necessary to audit the collected admission fees, will be made available for inspection at the amusement park within a reasonable time no to exceed thirty (30) days. (Vil. Ord. No. 631.08, 11-18-08)

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CHAPTER 625: DECEPTIVE TRADE PRACTICES

SECTION 625.010: DEFINITIONS

As used in this Chapter, the following words and terms shall have the meanings set out herein:

ADVERTISEMENT: The attempt by publication, dissemination, solicitation, circulation, or any other means to induce, directly or indirectly, any person to enter into any obligation or acquire any title or interest in any merchandise.

DOCUMENTARY MATERIAL: The original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situated.

EXAMINATION OF DOCUMENTARY MATERIAL: The inspection, study, or copying of such material, and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy thereof.

MERCHANDISE: Any objects, wares, goods, commodities, intangibles, real estate or services.

PERSON: Any natural person or his/her legal representative, partnership, firm, for profit or not for profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.

SALE: Any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit.

TRADE or COMMERCE: The advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms “trade” and “commerce” include any trade or commerce directly or indirectly affecting the people of this State.

SECTION 625.020: UNLAWFUL PRACTICES, PENALTY—EXCEPTIONS

- A. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in Section 407.453, RSMo., in or from the State of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in Section 407.453, RSMo., in or from the State of Missouri of the fact that the Attorney General has approved any filing required by this Chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this Subsection violates this Subsection whether committed before, during or after the sale, advertisement or solicitation.

B. Nothing contained in this Section shall apply to:

1. The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or
2. Any institution or company that is under the direction and supervision of the Director of the Department of Insurance, or Director of the Division of Finance, unless the directors of such divisions specifically authorize the Attorney General to implement the powers of this Chapter or such powers are provided to either the Attorney General or a private citizen by statute.
3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this Section with the intent to defraud shall be guilty of a class D felony.
4. It shall be the duty of each Prosecuting Attorney and Circuit Attorney in their respective jurisdictions to commence any criminal actions under this Section, and the Attorney General shall have concurrent original jurisdiction to commence such criminal actions throughout the State where such violations have occurred.
5. It shall be an unlawful practice for any long-term care facility, as defined in Section 660.600, RSMo., except a facility which is a Residential Care Facility I or a Residential Care Facility II, as defined in Section 198.006, RSMo., which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.
6. Any long-term care facility, as defined in Section 660.600, RSMo., which commits an unlawful practice under this Section shall be liable for damages in a civil action of up to one thousand dollars (\$1,000.00) for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the Circuit Court.

SECTION 625.030: DECEPTIVE BUSINESS PRACTICES

A person commits the offense of deceptive business practices if in the course of engaging in a business, occupation, or profession, he/she recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity.
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service.
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure.

4. Sells, offers or exposes for sale adulterated, or mislabeled commodities.
5. Makes a false or misleading statement for the purpose of obtaining property or credit.

SECTION 625.040: DECEPTIVE BUSINESS PRACTICES—DEFINITIONS

In the construction of the preceding Section, the following words shall have the meanings set out herein:

ADULTERATED: Varying from the standard of composition or quality prescribed by Statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed, or if none, as set by commercial usage.

MISLABELED: Varying from the standard of truth or disclosure in labeling prescribed by Statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

SECTION 625.050: ALTERING MILEAGE REGISTERING DEVICES

A person commits the offense of altering a mileage registering device if, with the purpose of misrepresenting to a prospective or eventual purchaser the number of miles traveled by a motor vehicle, he/she disconnects, changes or causes to be disconnected or changed, any mileage registering device on a motor vehicle so as to thereby indicate a different mileage than such motor vehicle has actually traveled. For the purpose of this Section “*motor vehicle*” means any self-propelled vehicle not operated exclusively upon tracks.

SECTION 625.060: FALSE ADVERTISING

A person commits the offense of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property and services, he/she recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

SECTION 625.070: BAIT ADVERTISING

A person commits the offense of bait advertising if he/she advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

1. At the price which he/she offered them.
2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement.
3. At all.

SECTION 625.080: INCLUDED OFFENSES

The offense described in Sections 625.030 through 625.070 shall be included offenses in the unlawful practices prohibited by Section 625.020. No person shall be convicted of a violation of both Section 625.020 and of one (1) or more of Sections 625.030 through 625.070, as a result of the same act by him/her.

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