

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.005: PURPOSE

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors and retailers.

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 has a dance floor of at least twenty-five hundred (2,500) square feet 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.

CLUB: Any organization, whether incorporated or not, of fifty (50) or more members, not formed for profit, where the property and equipment of such organization, exclusive of real estate, belongs to the members thereof and is of the value of at least two thousand five hundred dollars (\$2,500.00) according to the invoices.

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. 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 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.

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, where the package and/or container(s) describes the contents thereof as intoxicating liquor.

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

PREMISES: That portion of any building in which a licensee hereunder has his/her place of business and any additional building or portion thereof used in connection therewith, and the entire lot or lots, parcel or parcels of land on which said buildings are situated, or which are used in connection with said buildings.

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 non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

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. (R.O. 2009 §600.010; Ord. No. 15 §1, 5-18-48; Ord. No. 226 §1, 6-13-89)

SECTION 600.015: SALE BY THE DRINK DEFINED

The 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 City of Bella Villa without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories 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. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.
 2. *Package liquor—all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) of this Section.
 3. *Liquor by the drink—malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (4) of this Section.
 4. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
 5. *Liquor by the drink—all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(2) of this Section.
- 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 on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
 2. *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.
 3. *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.
 4. *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.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. *Tasting permit—retailers.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

3. *Tasting permit—winery, distiller, manufacturer, etc.*
 - a. Any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide and pour distilled spirits, wine or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "*sales transaction*" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
 - b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide, furnish or pour distilled spirits, wine or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485, 311.486 or 311.487, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo.

SECTION 600.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or 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 9:00 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 prorated 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 9:00 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 prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. *Temporary Permit For Sale By Drink—Certain Organizations.*

1. The City Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale 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 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 Subsection, 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 City 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.

D. *Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of 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 upon or about his/her premises, 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.

E. *Number Of Licenses Limited.* The Board of Aldermen may limit the number of licenses issued in the City of Bella Villa.

F. *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 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 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 City, 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.
- G. *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. (R.O. 2009 §600.050; Ord. No. 42 §3, 8-18-55)

SECTION 600.035: SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within two hundred (200) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Aldermen, except that when a school, church or place of worship shall hereafter be established within two hundred (200) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within two hundred (200) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating

liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days. (R.O. 2009 §600.100; Ord. No. 15 §10, 5-18-48)

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*

a. Malt liquor—original package	\$ 75.00
b. Intoxicating liquor (all kinds)—original package	150.00
c. Malt liquor—by drink	75.00
d. Malt liquor and light wines—by drink	75.00
e. Intoxicating liquor (all kinds)—by drink	450.00

2. *Sunday sales.* (Additional fees)

a. Intoxicating liquor—original package	300.00
b. Restaurant bars	300.00
c. Amusement places	300.00
d. Liquor by the drink—charitable organizations	300.00

3. *Permits.*

a. Temporary permit—by the drink for certain organizations (7 days max.)	37.50
b. Tasting permit	37.50
c. Caterers	15.00
	per each calendar day

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.045: TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS—PERMIT—FEE REQUIRED

A. The City may issue a temporary permit to caterers and other persons holding licenses to sell

intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.

- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.
- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages, in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

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 City Clerk on a form to be provided by the City, 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 City.
- B. *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 City; 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 Aldermen 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.

- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City 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.
- D. 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 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 this Subsection.
- E. Upon the filing of application for license herein, said application shall be presented to the Board of Aldermen at its next regular meeting and, upon approval of said application by a majority of said Board and upon payment of the license tax herein provided for, the City Collector shall issue a license to applicant to conduct business in the City until June thirtieth (30th) following its issuance. (R.O. 2009 §600.080; Ord. No. 15 §7, 5-18-48)

SECTION 600.060: MINORS

- A. *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.
 - 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, accept payment for, and sack for carry-out, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 - 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter or Chapter 311, RSMo., may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

4. 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 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.

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.

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

1. Any person of the age of seventeen (17) years and under the age of twenty-one (21) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the age of seventeen years (17) who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.

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. No person under the age of twenty-one (21) years shall:
 - a. Purchase or attempt to purchase, or
 - b. Have in his/her possession, any intoxicating liquor as defined in Section 600.010, or
 - c. Be visibly intoxicated as defined in Section 577.001, RSMo., or
 - d. Have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
 2. 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)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.
 3. 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.
- E. For purposes of prosecution under this Section, 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.
- F. It shall be unlawful for any minor under the age of eighteen (18) years to be and remain or to loiter in any tavern or place of business where intoxicating liquors are sold at retail by the drink for consumption on the premises, unless accompanied by the parent or legal guardian of such minor, and it shall be unlawful for any person licensed to sell intoxicating liquors at retail by the drink for consumption on the premises, or his/her employee, to allow any minor under the age of eighteen

(18) years, unless accompanied by the parent or legal guardian of such minor, to be and remain or to loiter in the tavern or place of business of such person so licensed. Each such licensee shall keep at all time conspicuously posted in such tavern or place of business a printed sign displaying in black letters not less than one (1) inch wide on a white background the words "*Notice—Minors under the age of eighteen (18) years are not allowed here unless accompanied by parent or legal guardian*". The maintenance of such sign, however, shall not excuse any licensee from a violation of this Section. (R.O. 2009 §§600.160—600.170; Ord. No. 15 §§15—16, 5-18-48)

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. *Packaging, Labeling.* Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *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.
- D. *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.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.*
1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises 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.
 2. Any retailer licensed pursuant to this Chapter shall not:
 - a. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 - b. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by

weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, 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.
- 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 City, or any parking lot.
 2. No person shall drink or ingest any intoxicating liquor in or on any public place.
 3. 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 while in or upon any public place.
 4. 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 while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

SECTION 600.075: CERTAIN ACTS PROHIBITED IN PREMISES LICENSED TO SELL AT RETAIL INTOXICATING LIQUOR OR WINE

- A. It shall be unlawful for any retail licensee licensed to sell intoxicating liquor, wine or beer or his/her employee to permit in or upon his/her licensed premises:
1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 2. The displaying of any portion of the areola of the female breast;
 3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
 4. The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
 5. Any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and
 6. The displaying of films, video or DVD programs or pictures depicting acts, the live performances of which are prohibited by this regulation or by any other law.
- B. In addition to the licensee and/or his/her employee being subject to all penalties contained in this Code, violation of any act or any provision contained herein shall be grounds for the license of the licensee to be suspended or revoked. (R.O. 2009 §600.280; Ord. No. 422 §4, 11-16-06)

SECTION 600.080: WARNING SIGN DISPLAYED—LIQUOR LICENSES

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

SECTION 600.090: ADMINISTRATION OF LAW—LICENSE SUSPENSION/REVOCAION

- 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 City 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 ten (10) days' written notice specifying grounds for the suspension or revocation thereof 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 600.100 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 or Chapter 311, RSMo., or any ordinance of the City;
 2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco 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.

- 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., or of any felony violation of Chapter 195, RSMo., in the course of business. 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 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 600.100: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Hearing Officer.* Hearings may be had before the Board of Aldermen or before a Hearing Officer appointed by the Board who shall be an attorney licensed to practice law in the State of Missouri. If held before a Hearing Officer, he/she shall report to the Board findings of fact, conclusions of law and recommendations. The Board may accept, modify or refuse to accept the report of the Hearing Officer or any portion thereof.
- 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 City Clerk to tell the truth and nothing but the truth.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 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 be issued.
- E. *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 thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.



CHAPTER 605: BUSINESS AND OCCUPATION LICENSES

SECTION 605.010: DEFINITIONS

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

MANUFACTURER: Includes every person, who shall manufacture, hold or purchase personal property for the purpose of adding to the value thereof, by any process of manufacturing, refining or by the combination of different materials, or shall purchase and sell manufactured articles such as he/she manufactures or uses in manufacture, except as is or may be otherwise provided by ordinance.

MERCHANT: Includes all persons who shall deal in the selling of any goods, wares or merchandise or personal services at any store, stand or place occupied for that purpose within the City of Bella Villa, except as is or may be otherwise provided by ordinance.

PERSON: Includes one (1) or more persons, individuals, co-partnership or corporation. (R.O. 2009 §610.010; Ord. No. 18 §1, 11-16-48)

SECTION 605.020: LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the City of Bella Villa without having first applied for and obtained a license to conduct such business or occupation from the City Clerk and without paying the license fee therefor, all as provided for in this Chapter.

SECTION 605.025: LICENSE APPLICATION AND ISSUANCE

- A. All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

SECTION 605.030: LICENSE—DUE WHEN

All license fees shall be due and payable on December thirty-first (31st). Should any person engage in any business for the first (1st) time during any calendar year, he/she shall, at the time of applying for such license, pay to the City the minimum license fee hereinafter set forth for the particular

business and shall, at the end of the calendar year in which he/she commences such business, comply with all other provisions of this Chapter applicable to such business or manufacture. (R.O. 2009 §610.030; Ord. No. 18 §4, 11-16-48)

SECTION 605.040: AMOUNT OF TAX

The license tax levied by the terms of Section 605.020 hereof, as therein provided, shall be:

On the first twenty thousand dollars (\$20,000.00) of gross sales or fraction thereof	\$20.00
On each one thousand dollars (\$1,000.00) of gross sales in excess of twenty thousand dollars (\$20,000.00) but not in excess of one hundred thousand dollars (\$100,000.00) or fraction thereof	10.00

(R.O. 2009 §610.040; Ord. No. 18 §4, 11-16-48; Ord. No. 321, 2-11-97)

SECTION 605.045: PERSONS NOT TO BE CHARGED FOR BUSINESS LICENSE

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Bella Villa.

SECTION 605.050: MANUFACTURERS/MERCHANTS TO KEEP ACCOUNTS

It shall be the duty of each person subject hereto to keep a proper book and enter in ink an account of all sales made by him/her which account shall always be open to the inspection of the Collector to verify the returns made by him/her. The statements or returns made to the Collector under the requirements of this Chapter shall not be made public nor shall they be subject to the inspection of any person except the Mayor, City Collector or members of the Board of Aldermen and the City Attorney. (R.O. 2009 §610.070; Ord. No. 18 §8, 11-16-48)

SECTION 605.060: SALE OF INTOXICATING LIQUORS NOT INCLUDED IN LICENSE

Nothing herein contained shall be construed as authorizing any person to sell intoxicating liquors by virtue of such license. (R.O. 2009 §610.090; Ord. No. 18 §10, 11-16-48)

SECTION 605.070: ADDITIONAL BUSINESSES TO BE TAXED

Business institutions, business places, stores, professional and other offices, including nursing homes, construction trades and contractors, and similar professional places or businesses, shall be taxed in an amount as set by the Board from time to time. (R.O. 2009 §610.110; Ord. No. 18 §11, 11-16-48; Ord. No. 253 §1, 9-8-92; Ord. No. 260 §II, 5-11-93)

SECTION 605.080: RESTRICTIONS

The payment of the amounts specified herein and the issuance of the license therein provided for shall not be construed to permit the transfer of the said license to any other person, firm or corporation, nor shall it be construed to permit the person to whom it shall be issued to carry on the business or occupation for which the license is obtained at more than one (1) store, place or stand at the same time within the City of Bella Villa but a separate license and a similar fee shall be charged for each store, place or stand within the said City. Where any person is engaged at the same time or place in two (2) or more businesses or occupations, only one (1) license shall be obtained, which shall be at the rate specified for such said lines of business, trade or vocation as bears the highest rating of the classes in which such person is engaged. (R.O. 2009 §610.120; Ord. No. 18 §12, 11-16-48)

SECTION 605.090: PENALTY FOR OPERATION WITHOUT LICENSE

- A. Whoever shall make or file with the City Clerk, under the provisions of this Chapter, a false statement under oath, shall, on conviction thereof, forfeit his/her license and pay a fine as set forth in Section 100.220 of this Code; and it shall be the duty of the Collector to carefully examine all statements filed with him/her and to prosecute all violations of this Chapter according to law; provided that before instituting any such prosecution he/she shall give such person an opportunity of explaining the statement and correcting it if inadvertently made.
- B. Any person who shall exercise or attempt to exercise, engage in or carry on any of the businesses, trades or occupations in the City of Bella Villa, without first having paid the license fee herein provided for and without first having obtained the license prescribed therefor, shall, upon conviction, be fined as set forth in Section 100.220 of this Code for each such offense. (R.O. 2009 §§610.080, 610.130; Ord. No. 18 §9, 11-16-48)



CHAPTER 610: ADULT ENTERTAINMENT BUSINESS LICENSE

SECTION 610.010: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the most reasonable application. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ADULT BOOKSTORE: An establishment having ten percent (10%) or more of its stock in trade in books, photographs, magazines, films for sale or viewing on or off the premises by use of motion picture devices, video players, DVD players, computers or coin-operated means or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein or the principal purpose of which is to stimulate or arouse sexually the patron viewer or reader.

ADULT ENTERTAINMENT: Any live exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing or any service offered for amusement on a premises, where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons or if the entertainment involves a person who is nude, unless otherwise prohibited by ordinance, or in such attire, costume or clothing as to expose to view any portion of human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple or the human male genitals in a discernibly erect state, even if completely and opaquely covered. Adult bookstores shall be considered adult entertainment for purposes of this Chapter.

ADULT ENTERTAINMENT BUSINESS: Any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron or member.

EMPLOYEE: Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment business.

ENTERTAINER: Any person who provides adult entertainment within an adult entertainment premises as defined in this Section, whether or not a fee is charged or accepted for entertainment.

EROTIC DANCE: Any dance performed by an erotic dancer in an erotic dance establishment which emphasizes or seeks to arouse or excite a patron's sexual desires.

MANAGER: Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

OPERATOR: Any person operating, conducting or maintaining an adult entertainment business.

PERSON: Any individual, partnership, corporation, trust, incorporated or unincorporated

association, martial community, joint venture, governmental entity or other entity or group of persons however organized.

PUBLIC PLACE: Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles whether moving or not.

SERVER: Any person who serves food or drink at an adult entertainment business.

SPECIFIED ANATOMICAL AREAS: Means:

1. Uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple or any combination of the foregoing; or
2. Human male genitals in a discernible erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification. (R.O. 2009 §611.010; Ord. No. 422 §5, 11-16-06)

SECTION 610.020: LICENSE REQUIRED FOR ADULT ENTERTAINMENT BUSINESS

- A. It shall be unlawful for any person to operate or maintain an adult entertainment business in the City unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the City or to operate such business after such license has been revoked or suspended by the City.
- B. It is unlawful for any entertainer, employee or manager to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult entertainment business.
- C. It shall be prima facie evidence that any adult entertainment business that fails to have posted, in the manner required by this Section, an adult entertainment business license has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee or manager who performs any service or entertainment in an adult entertainment business in which an adult entertainment license is not posted, in the manner required by this Section, had knowledge that such business was not licensed. (R.O. 2009 §611.020; Ord. No. 422 §5, 11-16-06)

SECTION 610.030: LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS

It is unlawful for any person to work as an entertainer, server or manager at an adult entertainment business without first obtaining a license to do so from the City or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended. (R.O. 2009 §611.030; Ord. No. 422 §5, 11-16-06)

SECTION 610.040: LICENSE, CLASSIFICATION AND FEES

- A. The license year for all fees required under this Chapter shall be as stated in Chapter 605. The application for a license shall be accompanied by payment in full and no application shall be considered complete until such fee is paid.
- B. All licenses shall be issued for a specific location and shall be non-refundable and non-transferable.
- C. The classification of licenses and fees shall be as set forth in Chapter 605 of the City Code. (R.O. 2009 §611.040; Ord. No. 422 §5, 11-16-06)

SECTION 610.050: LICENSE APPLICATION

- A. *Adult Entertainment Business Application.* All persons desiring to secure a license to operate an adult entertainment business under the provisions of this Chapter shall make application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
 - 1. The name, residence address, home telephone number, occupation, date and place of birth and Social Security number of the applicant.
 - 2. The name of the adult entertainment business, a description of the adult entertainment to be performed on the licensed premises and the name of the owner of the premises where the adult entertainment business will be located.
 - 3. The names, residence addresses, Social Security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors, stockholders or members who own more than ten percent (10%) or greater interest in the corporation or limited liability company.
 - 4. The addresses of the applicant or of all partners or of all corporate officers, directors and members for the five (5) years immediately prior to the date of application.
 - 5. A description of the adult entertainment or similar business history of the applicant or of all partners or of all corporate officers, directors and members; whether any such person or entity, in previously operating in this or another City, County or State, has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.
 - 6. A statement of the business, occupation or employment of the applicant or of all partners, members or of all corporate officers and directors for the three (3) years immediately preceding the date of the application.
 - 7. A statement from the applicant or from each partner, member or from each corporate officer and director that each such person has not been convicted of, released from confinement for conviction of or diverted from prosecution on:

- a. A felony criminal act within five (5) years immediately preceding the application; or
- b. A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substance Act or other Statutes or ordinances.

The statement shall also indicate that the applicant, each partner or each corporate officer, director or member has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

8. A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant or of all partners if the applicant is a partnership or of all corporate officers, directors or members if the applicant is a corporation.
9. If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Missouri Secretary of State.
10. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter regulating adult entertainment businesses.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.

- B. *Adult Entertainment Manager, Server Or Entertainer's License.* All persons desiring to secure a license under the provisions of this Chapter to be an adult entertainment manager, server or entertainer shall make a notarized application with the City Clerk. All applicants shall be submitted in the name of the person proposing to be an adult entertainment manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, Social Security number and any stage names or nicknames used in entertaining.
2. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer and an "intent to hire" statement from an adult entertainment business that is licensed or that has applied for a license, under the provisions of this Chapter, indicating the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises.
3. A statement from the applicant that the applicant has not been convicted of, released from confinement for conviction of or diverted from prosecution on:
 - a. A felony criminal act within five (5) years immediately preceding the application, or

- b. A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substance Act or other Statutes or ordinances.

The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

4. A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant.
5. The applicant shall present to the City Clerk who shall copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted. Any of the following shall be accepted as documentation of age:
 - a. A motor vehicle operator's license issued by any State bearing this applicant's photograph and date of birth;
 - b. A State issued identification card bearing the applicant's photograph and date of birth;
 - c. An official and valid passport issued by the United States of America;
 - d. An immigration card issued by the United States of America;
 - e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
 - f. Any other form of identification deemed reliable by the City Clerk.

Failure to provide the information required by this Subsection shall constitute an incomplete application and shall not be processed.

C. Application Processing.

1. Upon receipt of a complete application for an adult entertainment or an adult entertainment manager, server or entertainer license, the City Clerk shall immediately transmit one (1) copy of the application to the Chief of Police for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Building Commissioner. It shall be the duty of the Chief of Police or his/her designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Chief of Police shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. It shall be the duty of the Building Commissioner to determine whether the structure where the adult entertainment business will be conducted complies with

the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City.

2. The Building Commissioner shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Chief of Police and the Building Commissioner, the City Clerk shall schedule the application for the consideration by the Board of Aldermen at the earliest meeting consistent with the notification requirements established by law, providing the licensed application for an adult entertainment business and for an adult entertainment business manager, server or entertainer license shall be approved or disapproved within forty-five (45) days of the date of filing of a completed application with the City Clerk's office. The applicant shall be notified in writing of the date when the Board of Aldermen will consider the application. (R.O. 2009 §611.050; Ord. No. 422 §5, 11-16-06)

**SECTION 610.060: EXAMINATION OF APPLICATION—ISSUANCE OF LICENSE—
DISAPPROVAL**

- A. If the application for an adult entertainment business or an adult entertainment business manager, server or entertainer is in proper form and accompanied by the appropriate license fee, the City Clerk shall examine the application and after such examination, the City Clerk shall, if the applicant is qualified, approve a license as provided for by law.
- B. The license shall state that it is not transferable to other persons and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working.
- C. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state that basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law. (R.O. 2009 §611.060; Ord. No. 422 §5, 11-16-06)

SECTION 610.070: LICENSE INELIGIBILITY AND DISQUALIFICATION

No person is eligible nor shall a license be issued to:

1. An adult entertainment business applicant if one (1) or more of the following conditions exist:
 - a. The applicant failed to supply all of the information requested on the application;
 - b. The applicant gave materially false, fraudulent or untruthful information on the application;
 - c. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the Board of Aldermen;

- d. The applicant has been convicted of any felony or a misdemeanor involving sexual misconduct;
 - e. The applicant has had an adult entertainment license revoked or suspended in this or any other City during the past five (5) years.
2. An applicant for an adult entertainment manager, server or entertainer if one (1) or more of the following conditions exist:
 - a. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in Subsection (1) above;
 - b. The applicant has been convicted of any felony or a misdemeanor involving sexual misconduct;
 - c. The applicant failed to provide all of the information required on the application;
 - d. The applicant gave materially false, fraudulent or untruthful information on the application;
 - e. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years. (R.O. 2009 §611.070; Ord. No. 422 §5, 11-16-06)

SECTION 610.080: STANDARDS OF CONDUCT

The following standards of conduct shall be adhered to by all adult entertainment business licensees, their employees and all adult entertainment business managers, servers and entertainers and patrons of adult entertainment businesses while on or about the premises of the business:

1. *Interior restrictions.*
 - a. It shall be unlawful for any erotic dancer to dance at a distance of less than ten (10) feet from any patron or to touch any patron while dancing.
 - b. It shall be unlawful for any erotic dancer to dance on a stage that is not raised at least two (2) feet above the area on which the patron or patrons sit or stand.
2. *Age restriction.* Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult entertainment business.
3. *Exterior observation.* The premises of all adult entertainment businesses will be so constructed as to include an anteroom, foyer, partition or other physical barrier on all customer entrances that will insure observation of the interior of the premises and is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.

4. *Exterior display.* No adult entertainment business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, from any exterior source by display, decoration, sign, show window or other opening.
5. *Nudity prohibited, exceptions.* No employee, server or entertainer in an adult entertainment business shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.
6. *Certain acts prohibited.*
 - a. No employee, server or entertainer shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein or participate in any act of prostitution.
 - b. No employee, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of another person or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
 - c. No employee, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.
 - d. No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:
 - (1) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage; or
 - (2) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may place such payment or gratuity into the entertainer's hand.
 - e. No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall:
 - (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises (unless otherwise permitted pursuant to Chapter 600, Alcoholic Beverages of this Code);
 - (2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
 - (3) Knowingly allows on the premises of a sexually oriented business a person under the

age of twenty-one (21) years, except for a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

- (4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
- (5) Knowingly allow or permit a violation of this Chapter or any other City ordinance provision or State law.

7. *Signs required.* All adult entertainment business shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

**THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY
OF BELLA VILLA**

ENTERTAINERS ARE:

- * Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.
- * Not permitted to be nude, unclothed or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola or any portion of the pubic region, buttocks and/or genitals, unless upon a stage at least two (2) feet above the customer floor and a sufficient distance from the customers to prevent the customers from touching the entertainers.
- * Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
 - While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or
 - While such entertainer is not on the stage, by placing such payment or gratuity into the entertainer's hand.

CUSTOMERS ARE:

- * Not permitted to be upon the stage at any time.
 - * Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation for prostitution.
8. *Lighting required.* The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are

permitted access to an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

9. *Viewing room.* The premises of all adult entertainment businesses shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever. A person who operates or causes to be operated a sexually oriented business shall be prohibited from exhibiting in a viewing room on the premises a film, video cassette, DVD, or other video reproduction that depicts specified sexual activities unless the viewing room is visible from a continuous main aisle in the sexually oriented business and such viewing room is not obscured by any curtain, door, wall, or other enclosure. No viewing room shall be occupied by more than one (1) individual at a time and there shall be no aperture between viewing rooms which is designed or constructed to facilitate sexual activity between persons in different rooms.
10. *Ventilation and sanitation requirements.* The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.
11. *Hours of operation.* No adult entertainment business may be open or in use between the hours of 1:30 A.M. and 9:00 A.M. on any day other than a Sunday when the business may not be open between the hours of 1:30 A.M. and 12:00 Noon. (R.O. 2009 §611.080; Ord. No. 422 §5, 11-16-06)

SECTION 610.090: LICENSE POSTING OR DISPLAY

- A. Every person, corporation, partnership or association licensed under this Chapter as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.
- B. Every person holding an adult entertainment server, manager or entertainer license shall post his or her license in his or her work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this Chapter. (R.O. 2009 §611.090; Ord. No. 422 §5, 11-16-06)

SECTION 610.100: MANAGER ON PREMISES

- A. An adult entertainment manager shall be on duty at any adult entertainment business at all times the premises is open for business. The name of the manager on duty shall be prominently posted during business hours.
- B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment server's license and that such licenses are prominently posted. (R.O. 2009 §611.100; Ord. No. 422 §5, 11-16-06)

SECTION 610.110: INSPECTOR AND INSPECTIONS

All adult entertainment businesses shall permit representatives of the Police Department or any other City Official acting in their official capacity to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws. (R.O. 2009 §611.110; Ord. No. 422 §5, 11-16-06)

SECTION 610.120: SUSPENSION, REVOCATION OR NON-RENEWAL—LICENSE

Whenever the City Clerk has information that:

1. The owner or operator of an adult entertainment business or a holder of an adult entertainment manager, server or entertainer license has violated, or knowingly allowed or permitted the violation of, any of the provisions of the City Code; or
2. There have been recurrent violations of provisions of this Chapter that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed; or
3. The adult entertainment business license or the adult entertainment manager, server or entertainer license was obtained through false statements in the application for such license or renewal thereof; or
4. The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
5. The owner or operator, or any partner, or any corporate officer or director holding an adult entertainment business license has become disqualified from having a license by a conviction; or
6. The holder of an adult entertainment manager, server or entertainer license has become disqualified from having a license by a conviction, then the City Clerk shall conduct a public hearing to determine whether the license should be suspended or revoked. Based on the evidence produced at the hearing, the City Clerk may take any of the following actions:
 - a. Suspend the license for up to ninety (90) days.
 - b. Revoke the license for the remainder of the license year.
 - c. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of the Chapter occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, license will be revoked for the remainder of the license year.
 - d. Any action authorized in the City Code not inconsistent with this Section. (R.O. 2009 §611.120; Ord. No. 422 §5, 11-16-06)

SECTION 610.130: RENEWAL

- A. A license may be renewed by making an application for renewal to the City Clerk on application forms provided for that purpose. Licenses shall expire on March fifteenth (15th) of each calendar year and renewal applications for such licenses shall be submitted to the City Clerk by February fifteenth (15th) of each license year.
- B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided in this Chapter.
- C. If the application for renewal of a license is not made during the time otherwise provided in the Bella Villa City Code, a new application shall be required. (R.O. 2009 §611.130; Ord. No. 422 §5, 11-16-06)

SECTION 610.140: JUDICIAL REVIEW—STAY OF ENFORCEMENT OF ORDERS

Following the entry of an order by the City Clerk suspending or revoking a license issued pursuant to this Chapter or disapproving the renewal application for a license, such licensee or applicant may seek administrative or judicial review in a manner provided by law. (R.O. 2009 §611.140; Ord. No. 422 §5, 11-16-06)

SECTION 610.150: PENALTY

It shall be unlawful for any person to violate any of the provisions of this Chapter. Upon conviction thereof, such person shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this Chapter shall constitute a separate and distinct offense. (R.O. 2009 §611.150; Ord. No. 422 §5, 11-16-06)

**CHAPTER 615: LICENSING AND REGULATION OF
MESSAGE BUSINESSES**

SECTION 615.010: DEFINITIONS

Certain terms referred to in this Chapter are defined as follows:

EMPLOYEE: Any person, other than a masseur or masseuse, who renders any service to the permittee, who receives compensation or any consideration and who has no physical contact with the permittee's customers or clients.

MESSAGE BUSINESS: Any place of business in which message therapy is practiced.

MESSAGE THERAPIST: A health care practitioner who provides or offers to provide message therapy, as provided in Sections 324.240 to 324.275, RSMo., to any person at no cost or for a fee, monetary or otherwise, implying that the message therapist is trained, experienced and licensed in message therapy, and who holds a current, valid license to practice message therapy.

OUT-CALL MESSAGE SERVICE: Any business not licensed as a message business under the provisions of this Chapter wherein message is given, engaged in or carried on or permitted to be given, engaged in or carried on, for any form of consideration, not at a fixed location but at a location designated by the masseur or masseuse, customer or client.

PERMITTEE: Any person receiving a permit to operate a message business or out-call message service under the provisions of this Chapter.

PERSON: Any individual, co-partnership, firm, association, company, corporation or combination of individuals of whatever form or character. (R.O. 2009 §612.010; Ord. No. 423 §1, 11-16-06)

SECTION 615.020: PERMIT REQUIRED

It shall be unlawful for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Bella Villa, the operation of a message business or an out-call message service as herein defined without first having obtained a permit duly issued by the City Clerk as set forth herein. (R.O. 2009 §612.020; Ord. No. 423 §1, 11-16-06)

SECTION 615.030: APPLICATION

An application for a permit to engage in the business of a message business or out-call message service shall be obtained from the City Clerk and shall contain the following information:

1. The two (2) previous addresses (if any) within the three (3) years immediately prior to the present address of applicant;
2. Written proof that the individual or partnership applicant is over the age of eighteen (18) years;

3. Individual or partnership applicant's height, weight, color eyes, hair and sex;
4. Two (2) portrait photographs at least two (2) inches by two (2) inches;
5. Businesses, occupations or employments of the applicant for the three (3) years immediately preceding the date of the application;
6. The history of applicant in the operation of a massage business, out-call massage service or similar business or occupation;
7. All criminal violations, other than misdemeanor traffic violations, and lawful pardons or rehabilitative activity related thereto;
8. The name and address of each masseur, masseuse or employee who is or will be employed in said business or service or work as an independent contractor therein, the terms and conditions of such employment or contract and the background of all employees including their height, weight, age, education and Police record if any;
9. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;
10. If the applicant is a corporation, the names and residence of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation. (R.O. 2009 §612.030; Ord. No. 423 §1, 11-16-06)

SECTION 615.040: INVESTIGATION FEE

All applications for a massage business or out-call massage service permit shall be accompanied by an investigation fee of two hundred fifty dollars (\$250.00), no part of which shall be refundable. (R.O. 2009 §612.040; Ord. No. 423 §1, 11-16-06)

SECTION 615.050: APPLICATION REFERRED TO POLICE DEPARTMENT

Upon the receipt of said application, the City Clerk shall refer the application to the Police Department which shall within thirty (30) days from the date of said application review records or make an inspection of the premises proposed to be used as a massage business and shall make a written recommendation to the City Clerk concerning compliance with the respective requirements. (R.O. 2009 §612.050; Ord. No. 423 §1, 11-16-06)

SECTION 615.060: ISSUANCE OF PERMIT

The City Clerk shall issue said permit if it is found:

1. That the operation, as proposed by applicant, complies or would comply with all applicable laws and ordinances including, but not limited to, the City's Building Code, zoning laws and health regulations.

2. That applicant, or if applicant is a corporation, the officers, directors and stockholders and employees as stated herein, be of good moral character.

Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of certified mail or hand delivery. An appeal may be taken by any aggrieved party under the provisions of Chapter 536, RSMo., as amended. (R.O. 2009 §612.060; Ord. No. 423 §1, 11-16-06)

SECTION 615.070: PERMITS TO BE DISPLAYED—LOGS TO BE KEPT

The permittee shall display the massage business or out-call massage service permit issued in an open and conspicuous location on the premises or in the principal place of business. The permittee shall maintain a written listing of all masseurs, masseuses or employees, whether employed by him or her or as independent contractors. Such written list shall be available for inspection during regular business hours. The permittee shall display licenses of all employees in a prominent place in the business. The permittee shall keep a bound log of the name, address, date, time and service performed on each customer and said log shall be available for inspection by the Chief of Police. (R.O. 2009 §612.070; Ord. No. 423 §1, 11-16-06)

SECTION 615.080: SUSPENSION OR REVOCATION OF PERMIT

Any massage business' or out-call massage services permit issued under this Chapter shall be subject to suspension for up to ninety (90) days or revocation by the City Clerk for violation of any provision of this Chapter or for any grounds that should warrant the denial of the issuance of such permit in the first (1st) instance. The permittee shall be entitled to a hearing before the City Clerk prior to the suspension or revocation of any permit under this Chapter. At such hearing evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained. (R.O. 2009 §612.080; Ord. No. 423 §1, 11-16-06)

SECTION 615.090: OPERATING REQUIREMENTS

The operation of any massage business shall be subject to the following regulations:

1. Massage business shall be closed and operations shall cease between the hours of 12:00 A.M. and 6:00 A.M. each day.
2. In any massage shop it shall be unlawful for customers of opposite sex to receive treatment in the same room or the same quarters at the same time.
3. No service shall be given in any massage shop which is clearly dangerous or harmful in the opinion of the Chief of Police to the safety or health of such person and after such notice in writing to the licensee from such officer.
4. No alcoholic beverages, nor the consumption thereof, shall be allowed, permitted or suffered to be done in or upon any premises licensed under the provisions of this Chapter.

5. All operators licensed under the provisions of this Chapter shall at all times be responsible for the conduct of his/her or any of his/her employees which constitutes a violation of the provisions of this Chapter. Any violation of the City, State or Federal laws committed on the licensed premises by any such licensee or employee affecting the eligibility or suitability of such person to hold a license or permit may be grounds for suspension or revocation of same. (R.O. 2009 §612.090; Ord. No. 423 §1, 11-16-06)

SECTION 615.100: BUSINESS PERFORMED ON PREMISES—EXCEPTIONS

All business or activity provided for under this Chapter shall be conducted and performed on the respective premises; provided however, that massage shop licensees or employees, at the direction of a duly licensed physician, may perform their services in behalf of a physically incapacitated patient in such patient's home, residence or other designated place, or such licensee or employee may render such treatment to persons who are bedfast or are so physically incapacitated that it is impractical to provide same to such persons at a licensed location and, provided further, that all such services so rendered shall have received the prior approval of the City License Inspector. (R.O. 2009 §612.100; Ord. No. 423 §1, 11-16-06)

SECTION 615.110: INSPECTIONS

The City Police are hereby authorized to enter and inspect any massage shop at any reasonable time to ascertain whether the provisions of this Chapter, any other City ordinance or State law are being violated. (R.O. 2009 §612.110; Ord. No. 423 §1, 11-16-06)

SECTION 615.120: NOT PERTAINING TO HOSPITALS, ETC.

The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitarium, persons holding an unrevoked certificate of entitlement to practice the healing areas under the laws of the State of Missouri, barbers and beauticians duly licensed by the State of Missouri, athletic trainers, or persons working under the direction and control of such persons or in any such businesses. (R.O. 2009 §612.120; Ord. No. 423 §1, 11-16-06)

CHAPTER 620: PAWNSHOPS

SECTION 620.010: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases and words shall have the following meanings unless otherwise indicated by context:

CHIEF OF POLICE: The Chief of Police of the City of Bella Villa Police Department or person acting in that capacity.

CITY CLERK: The City Clerk of the City of Bella Villa.

MONTH: That period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last date of such following month and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30) of a month.

NET ASSETS: The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, bank deposits, merchandise inventory and loans due from customers, excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures or equipment; investments made in stocks, bonds or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.

PAWNBROKER: Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP: The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON: An individual, partnership, corporation, limited liability company, joint venture, trust, association or any other legal entity however organized.

PERSON OF GOOD MORAL CHARACTER: A person who has not been convicted of any State, Federal or municipal offense involving drugs or narcotics, robbery, burglary, theft, stealing, receiving stolen property, embezzlement, extortion, forgery, gambling, bribery, perjury, any weapons offense or any crime of violence.

PLEDGED GOODS: Tangible personal property other than choses in action, securities or printed evidence of indebtedness, which property is deposited with, or otherwise actually delivered into the possession of, a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN: Every loan of money made in this City, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation. (R.O. 2009 §613.010; Ord. No. 424 §1, 11-16-06)

SECTION 620.020: LICENSES

- A. *Licenses Required.* No person shall operate a pawnshop in the City of Bella Villa unless such person obtains a pawnshop license issued by the City in accordance with the general licensing provisions of the Bella Villa City Code and the specific provisions of this Chapter. A license is required for each place where pawnbroking business is transacted and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license. It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he or she shall keep posted in a conspicuous place in the place of business the license certificate therefor and a copy of all ordinances relating to pawnbrokers.
- B. *Licensing Year Is Calendar Year.* All licenses issued under this Chapter are for a period of one (1) year or portion of one (1) year and expire on Midnight of June thirtieth (30th). The license fee for any license which is issued for a portion of a year shall be prorated by the City Clerk.
- C. *Application For New Pawnshop License.*
1. An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath, and on forms prescribed and provided by the City Clerk and shall contain other relevant information sufficient to inform the City Clerk regarding the qualifications of the applicant for a license as required by the City Clerk. At minimum, the application shall include:
 - a. The full name and address of the applicant and each prospective pawnshop employee, if known, for the past two (2) years;
 - b. The address where the business is to be conducted;
 - c. A statement as to whether that applicant and each prospective pawnshop employee, if known, have ever been convicted of a felony;
 - d. The name, address and phone number of at least two (2) persons of good moral character who may be used as character references for the applicant and each prospective pawnshop employee, if known; and
 - e. If the applicant is a partnership, the application shall include the required information for each partner, and whether such partner is a general partner or a limited partner. If the applicant is a corporation or limited liability company, the application shall include the required information for each officer and treasurer and each shareholder owning twenty percent (20%) or more of the corporate stock.
 2. The application shall be accompanied by:
 - a. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop or two hundred fifty dollars (\$250.00) if the application

involved a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location;

- b. Proof of general liability insurance in the amount of five hundred thousand dollars (\$500,000.00);
- c. An annual fee of five hundred dollars (\$500.00); and
- d. If the applicant is a corporation, a "certificate of good standing" issued by the Missouri Secretary of State.

D. *Non-Use And Transfer Of License.*

1. If a pawnbroker shall not conduct business for any continuous period of ninety (90) days at any time after the issuance of a license, the license shall be null and void.
2. Licenses are personal to the licensee and shall not be transferred to any other person. Any attempt to transfer such license to any other person shall render said license null and void. It shall be unlawful for any person to do business or to attempt to do business under a license transferred to him/her.

E. *Investigation By City Clerk.* The City Clerk shall investigate the facts contained in an application for a new pawnshop license and shall request the assistance of the Chief of Police and any other person who has knowledge of the facts contained in the application or who is authorized to investigate these facts.

F. *Standards For Issuance.* No license shall be issued to any person who:

1. Is not of good moral character or to any pawnshop employing persons who are not of good moral character; or
2. Makes a false statement of material facts in the application for a license or a renewal license; or
3. Fails to show that the pawnshop will be operated lawfully and fairly within the purposes of the Chapter; or
4. Has a felony or misdemeanor conviction which either directly relates to the duties and responsibilities of the occupation of pawnbroker or which otherwise makes the applicant presently unfit for a license; or
5. Does not have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business as a pawnshop for each licensed pawnshop; or
6. Does not file with the City Clerk a bond satisfactory to the City Clerk in an amount of five thousand dollars (\$5,000.00) with a surety company qualified to do business in this City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person(s) who may be a cause of action against the obligor of such bond under the provisions of this Chapter. Such bond shall be conditioned that the obligor will comply with the provisions of this Chapter and by all rules and

regulations adopted by the City Clerk and will pay to the City and to any such person(s) any and all amounts of money that may become due or owing to the City or to such person(s) from such obligor under and by virtue of the provisions of this Chapter or any rules adopted by the City Clerk pursuant to this Chapter during the time such bond is in effect.

If the City Clerk is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop as required by Subsection (F)(5) hereof, the City Clerk may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this Chapter.

- G. *Exemption From Requirement For New Pawnshop License.* No person who is lawfully operating a pawnshop on the date of the enactment of this Chapter shall be required to obtain a license under this Section in order to continue operating such pawnshop, so long as such person does not violate any other provisions of Sections 367.011 to 367.060, RSMo., or this Chapter. Such persons may continue to operate those pawnshops then in existence, but thereafter must receive annual renewal licenses even though the operation of such pawnshop might cause the number of pawnbrokers in the City of Bella Villa to exceed the number determined by operation of Subsection (H) of this Section. Such persons shall be required to pay the five hundred dollar (\$500.00) annual fee prescribed in Subsection (I) of this Section, but such payment shall be in lieu of any occupational license fee.
- H. *Limitation On Number Of Pawnbrokers In The City Of Bella Villa.* Subject to the provisions of Subsection (G) of this Section, no license for engaging in the business of pawnbroker shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at that time to more than one (1) per each five thousand (5,000) inhabitants residing in the City of Bella Villa, Missouri.
- I. *Subsequent License Applications.* Subsequent to the first (1st) year for which a license is issued to a pawnbroker, each pawnbroker shall make a renewal application to the City Clerk. The application shall be filed by July first (1st) of the current licensing year and shall be on the forms and shall contain such information as the City Clerk may require. The forms shall contain such information as will assist the City Clerk in determining whether conditions have changed and whether a renewal license should be issued for the subsequent licensing year. The City Clerk may request the assistance of the Chief of Police or any other City employee or person having knowledge of the truth or falsity of the matters contained in the application or who is able to investigate those matters. The annual fee for the issuance of a renewal license is five hundred dollars (\$500.00).
- J. *Suspension Or Revocation Of License.*
1. If the City Clerk believes that any condition has changed such that the licensee would not be eligible to receive a pawnbroker's license or that the licensee is in violation of this Chapter or any State or municipal law, the City Clerk may suspend the license.
 2. If the City Clerk believes that the licensee is capable of remedying the adverse change in conditions and if the licensee has not previously been in violation of this Chapter or State or municipal law, the City Clerk may suspend the license. If the City Clerk believes that the changed condition(s) are such that, if true, the licensee would not be able to remedy the situation in a reasonable time or if the licensee has previously been in violation of this Chapter or State or municipal law, then the City Clerk may revoke the license.

3. If the City Clerk believes that the safety, morals or peace of residents of the City of Bella Villa, Missouri, is immediately affected by the change in conditions, the City Clerk may suspend or revoke the license prior to a hearing, but he/she shall afford the licensee a hearing within five (5) days of the suspension or revocation if the licensee desires such a hearing. If the City Clerk believes that the changed condition is not of such imminent hazard to the safety, morals or peace of the residents of the City of Bella Villa, he/she may hold a hearing prior to taking any action. He/she shall give the licensee at least ten (10) days' notice of said hearing.
4. Any party aggrieved by a decision of the City Clerk may appeal to the Circuit Court of St. Louis County in accordance with the provisions of Chapter 536, RSMo., by filing an application for judicial review within fifteen (15) days of the action complained of.

K. *Issuance Of Pawnshop Licenses Prohibited, When.*

1. No license shall be issued for the operation of a pawnshop as defined within this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of any church, synagogue, school or residentially zoned property.
2. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of property on which there is located another pawnshop.
3. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of any residence, unless the licensee shall provide to the City Clerk written authorization for such operation from the owner of record of such property and each adult resident thereof. (R.O. 2009 §613.020; Ord. No. 424 §1, 11-16-06)

SECTION 620.030: RECORD REQUIREMENTS OF PAWNSHOP OPERATIONS

- A. *Pawn Number.* The pawnbroker shall affix to each item of tangible personal property a tag upon which shall be inscribed a pawn number of legible characters which shall correspond to the number on any pawn ticket or receipt for payment.
- B. *Pawn Ticket For Pledged Property, Contents, Loss Of, Effect.* At the time of making the secured personal credit loan, the lender shall execute and deliver to the borrower a pawn ticket for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
 1. The name and address of the pawnshop;
 2. The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
 3. The date of the transaction;
 4. An identification and description of the pledged goods, including serial numbers if reasonably available;

5. The amount of cash advanced or credit extended to the pledgor;
 6. The amount of the pawn service charge;
 7. The total amount which must be paid to redeem the pledged goods on the maturity date;
 8. The maturity date of the pawn transaction; and
 9. A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty (60) days after the specified maturity date.
- C. *Affidavit Of Lost Ticket.* If a pawn ticket is lost, destroyed or stolen, the pledgor may so notify the pawnbroker in writing and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given and the number of the pawn ticket lost, destroyed or stolen. The affidavit shall be signed by a notary public appointed by the Secretary of State pursuant to Section 486.205, RSMo., to perform notarial acts in this State.
- D. *Receipt For Payment To Be Furnished.* Upon any payment by a pledgor or upon the redemption of any pledge, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal, interest and any other charges. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, shall include the date of payment and shall be legibly written so that the figures thereon are clearly discernible.
- E. *Pawn Register.* Each pawnbroker shall keep a register of all items pawned at each pawnshop, which register shall contain the information listed in Subsections (A) and (B) of this Section. This record shall be kept in a bound book or in a continuous sheet of paper or tape, handwritten in ink or typed using a ribbon other than carbon, so that it will be obvious if an entry has been erased, obliterated or defaced. Such information may be made on cards, individual sheets or order pads if each sheet or card is numbered, so that if an entry is removed, it will be obvious.
- F. *Daily Report.* Each pawnbroker must, before the hour of 6:00 P.M. of every day, except Sunday and days the pawnbroker is closed all day, make and deliver to the Chief of Police at the Police station a full, true and detailed copy of that day's pawn register. If no article or thing has been pawned or received during said day, a report must be made to that effect.
- G. *Photographic Records.*
1. All pawnbrokers shall install a proper camera in operative condition and shall use such equipment to photograph every person and the receipts of pawnshop tickets given to such persons with all loans and with all purchases of items from persons.
 2. All pawnbrokers shall display in a prominent place a notice to customers that they are required to be photographed when they pawn, sell or offer as a part or full payment any item to the pawnbroker.

3. All such photographs shall be available for development and developed by the pawnbroker, upon request by the Chief of Police.
- H. *Retention And Use Of Records.* Each licensee shall keep and maintain the originals of the foregoing records or an original copy as may be appropriate for a period of at least two (2) years from the date of the last transaction recorded therein and each such record shall at all reasonable times be open to inspection by the Chief of Police or at his/her direction.
- I. *Information Furnished To Law Enforcement.* The pawnbroker may be required to furnish appropriate law enforcement authorities with copies of information contained in Subparagraphs (1)—(4) of Subsection (1) of Section 367.031, RSMo., and information contained in Subparagraph (6) of Subsection (4) of Section 367.040, RSMo. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this Section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority. (R.O. 2009 §613.030; Ord. No. 424 §1, 11-16-06)

SECTION 620.040: OPERATIONAL REGULATIONS

- A. *Interest Rates.* It shall be unlawful for any pawnbroker to charge interest exceeding two percent (2%) per month on any pledge. All pawnbrokers shall display in a prominent place a notice to customers that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan.
- B. *Loans Due, When—Return Of Collateral, When—Restrictions.*
1. Every secured personal credit loan shall be due and payable in lump sum thirty (30) days after the date of the loan contract or, if extended, thirty (30) days after the date of the last preceding extension of the loan and if not so paid when due, it shall, on the next day following, be in default. The pawnbroker shall retain possession of the tangible personal property subjected to the security interest to secure payment of any secured personal credit loan for a period of sixty (60) days next following the date of default. If during the period of sixty (60) days the pledgor shall pay to the pawnbroker the principal sum of the loan with the loan fee(s) and the interest due thereon to the date of payment, the pawnbroker shall thereupon deliver possession of the tangible property to the pledgor. But if the pledgor fails during the period of sixty (60) days to make payment, then the title to the tangible personal property shall, on the day following the expiration of the period of sixty (60) days, pass to the pawnbroker, without foreclosure, and the right of redemption by the pledgor shall be forever barred.
 2. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
 3. Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.
- C. *Hold Orders.*
1. Whenever any Peace Officer has probable cause to believe that property in possession of a pawnbroker licensed by the City of Bella Villa is stolen or embezzled, said officer may place

a written hold order on the property. A hold order required by this Section shall contain the following:

- a. Name of the pawnbroker;
 - b. Name, title and identification number of the Peace Officer placing the hold order;
 - c. Name and address of the agency to which the Peace Officer is attached and the offense number;
 - d. Complete description of the property to be held, including model number, serial number and transaction number;
 - e. Name of the agency reporting the property to be stolen or embezzled; and
 - f. Mailing address of the pawnshop where the property is held.
2. The pawnbroker or his/her designee shall sign and date a copy of the hold order as evidence of its receipt.
 3. Upon written notice from a Law Enforcement Officer indicating that property in the possession of a pawnbroker and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the pawnbroker shall release the property subject to the hold order to the custody of the Law Enforcement Officer for such purpose and the officer shall provide a written acknowledgment that the property has been released to the officer. The release of the property to the custody of the Law Enforcement Officer shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal investigation, the property shall be returned to the pawnbroker who consented to its release; except that if the Law Enforcement Officer has not completed the criminal investigation within one hundred twenty (120) days after its release, the officer shall immediately return the property to the pawnbroker or obtain and furnish to the pawnbroker a warrant for the continued custody of the property.
 4. Willful non-compliance by a pawnbroker with a written hold order shall be cause for the pawnbroker's license to be suspended or revoked.

D. *Lost, Stolen Or Encumbered Property—Police Cooperation.*

1. Each pawnbroker shall notify the Police of any article pledged or attempted to be pledged, if the pawnbroker has reason to believe that said article was stolen or lost.
2. A pawnbroker shall have no recourse when a customer has pledged goods for the receipt of money except the pledged goods themselves, unless the pledged goods are found to be stolen, lost, mortgaged or otherwise pledged or encumbered. When a customer is notified by a Peace Officer that the goods he/she pledged or sold to a pawnbroker were stolen, lost, mortgaged or otherwise pledged or encumbered, the customer shall be liable to repay the pawnbroker the full amount the customer received from the pawn or buy transaction. A pawnbroker shall not charge any fee relating to the restoration of such property to its rightful owner.
3. Every pawnbroker shall give the Chief of Police notice of all pawned goods to be shipped out

of town, which notice shall state the name of the pledgee and the destination and date of shipment. Such goods shall not be shipped for at least seven (7) days after delivery of the copy of the register to the Chief of Police.

4. Every pawnbroker shall, upon request, show and exhibit to any Peace Officer any article purchased, taken or received by the pawnbroker if the item is still in the possession of the pawnbroker.

E. *Miscellaneous Regulations.*

1. *Pawnshop not to be used as a residence.* No pawnbroker or member of the pawnbroker's family or employee or any other person shall be permitted to live in a pawnshop or in rooms connecting therewith.
2. *Hours of operation.* No pawnshop shall be open for business or receive as pawned, pledged or purchased or upon any condition whatsoever any article of personal property or other valuable thing between the hours of 8:00 P.M. on any day and 7:00 A.M. on the following day.
3. *Keeping items seven (7) days.* No pawnbroker shall destroy, melt down, dispose of, sell or deliver to any other person any item of tangible personal property until seven (7) days have passed from the date the item was received.
4. *Dealing in weapons prohibited, when.* No pawnbroker shall receive as security or otherwise conduct any transaction involving any kind of firearm, revolver, pistol, rifle, bowie knife, spring back knife, razor, metal knuckles, billy, sword, cane, dirk, dagger or other similar weapon, unless said pawnbroker is otherwise licensed by applicable State and Federal law to purchase and sell such weapons.
5. *Secondhand goods.* A pawnbroker shall not purchase or take in trade used or secondhand personal property unless a record is established that contains:
 - a. The name, address, physical description and the driver's license number, military identification number, identification certificate number or other official number capable of identifying the seller;
 - b. A complete description of the property, including the serial number, if reasonably available, or other identifying characteristic; and
 - c. A signed document from the seller providing that the seller has the right to sell the property.
6. *No barred windows or doors.* No building in which a pawnbroker shall conduct business shall have any bars or similar security features or structures on or in any window or door.
7. *Additional restrictions.* A pawnbroker shall not:
 - a. Accept a pledge from a person who is under eighteen (18) years of age;
 - b. Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;

- c. Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Chapter or other law; or
- d. Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction. (R.O. 2009 §613.040; Ord. No. 424 §1, 11-16-06)

SECTION 620.050: ENACTMENT OF RULES AND REGULATIONS

The City Clerk may issue such rules and regulations as he or she deems necessary to implement this Chapter and the policies contained herein. (R.O. 2009 §613.050; Ord. No. 424 §1, 11-16-06)

SECTION 620.060: INCONSISTENT PROVISIONS

It is the intention of the Board that this Chapter shall read in harmony with all other ordinances of the City of Bella Villa, and that such ordinances and provisions shall be so construed, interpreted, administered and applied as to reconcile any differences between them and this Chapter. To the extent that any such ordinances and provisions are determined to be irreconcilable with the provisions of this Chapter, but only to that extent, the provisions of this Chapter shall be deemed to have superseded the conflicting provisions. (R.O. 2009 §613.060; Ord. No. 424 §1, 11-16-06)

SECTION 620.070: PENALTY

Any person operating a pawnshop without a license or otherwise in violation of the standards and requirements provided herein shall be guilty of a violation of this Section and, upon conviction thereof, shall be punished as provided in Section 100.220 of this Code. (R.O. 2009 §613.070; Ord. No. 424 §1, 11-16-06)

CHAPTER 625: PUBLIC UTILITIES

SECTION 625.010: GAS SERVICE

- A. *Levy.* Every person engaged in the business of supplying gas or gas service for any purpose to consumers in the City shall pay to the City a license tax in the sum equal to five percent (5%) of the gross receipts from such business.
- B. *Gross Receipts Defined.* The term "*gross receipts*" means the aggregate amount of all sales and charges from the business of supplying gas or gas service made by any person in the City of Bella Villa during any period less discounts, credits, refunds, sales taxes and uncollectible accounts.
- C. *Filing Of Report Of Gross Receipts.* It is hereby made the duty of every person engaged in business described in Subsection (A) above to file with the City Clerk a report which shall be a sworn statement showing the gross receipts derived from the transaction of such business in the City during the preceding time period. Such report shall be filed not later than thirty (30) days following the close of the period to which the report relates. The first (1st) report shall cover a six (6) month period beginning January first (1st) or July first (1st) following approval of said gross receipts tax by the voters of the City of Bella Villa.
- D. *City Clerk's Authority To Investigate Accuracy.* The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required by Subsection (C), and for such purpose they shall have at all reasonable times access to the books, documents, papers and records of any person making such statement.
- E. *When Payable.* Every person who shall engage in the business described in Subsection (A) hereof shall pay to the City Clerk on the date of filing of the report as described in Subsection (C) hereof an amount equal to five percent (5%) of such person's gross receipts from such business for the preceding period as the case may be.
- F. *Liability For Other Taxes.* The tax required to be paid on the business described in Subsection (A) hereof shall be in lieu of any other occupational tax, but nothing herein shall be so construed as to exempt any such person from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, nor the tax required for sale of anything other than gas service, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupational tax on the business described in Subsection (A) hereof. (R.O. 2009 §625.010; Ord. No. 189 §§1—5, 12-11-84; Ord. No. 291 §§I—VI, 5-9-95)

SECTION 625.020: ELECTRIC SERVICE

- A. *Levy.* Every person engaged in the business of supplying electricity or electric service for any purpose to consumers in the City shall pay to the City a license tax in the sum equal to five percent (5%) of the gross receipts from such business.
- B. *Gross Receipts Defined.* The term "*gross receipts*" means the aggregate amount of all sales and charges from the business of supplying electricity or electric service made by any person in the City of Bella Villa during any period less discounts, credits, refunds, sales taxes and uncollectible accounts.

- C. *Filing Of Report Of Gross Receipts.* It is hereby made the duty of every person engaged in business described in Subsection (A) above to file with the City Clerk a report which shall be a sworn statement showing the gross receipts derived from the transaction of such business in the City during the preceding time period. Such report shall be filed not later than thirty (30) days following the close of the period to which the report relates. The first (1st) report shall cover a six (6) month period beginning January first (1st) or July first (1st) following approval of said gross receipts tax by the voters of the City of Bella Villa.
- D. *City Clerk's Authority To Investigate Accuracy.* The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required by Subsection (C), and for such purpose they shall have at all reasonable times access to the books, documents, papers and records of any person making such statement.
- E. *When Payable.* Every person who shall engage in the business described in Subsection (A) hereof shall pay to the City Clerk on the date of filing of the report as described in Subsection (C) hereof an amount equal to five percent (5%) of such person's gross receipts from such business for the preceding period as the case may be.
- F. *Liability For Other Taxes.* The tax required to be paid on the business described in Subsection (A) hereof shall be in lieu of any other occupational tax, but nothing herein shall be so construed as to exempt any such person from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, nor the tax required for sale of anything other than electricity, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupational tax on the business described in Subsection (A) hereof. (R.O. 2009 §625.020; Ord. No. 191 §§1—4, 12-11-84; Ord. No. 291 §§I—VI, 5-9-95)

SECTION 625.030: TELEPHONE SERVICE

- A. *Levy.* Every person engaged in the business of supplying telephone or telephone service for any purpose to consumers in the City shall pay to the City a license tax in the sum equal to five percent (5%) of the gross receipts from such business.
- B. *Gross Receipts Defined.* The term "*gross receipts*" means the aggregate amount of all sales and charges from the business of supplying telephone or telephone service made by any person in the City of Bella Villa during any period less discounts, credits, refunds, sales taxes and uncollectible accounts.
- C. *Filing Of Report Of Gross Receipts.* It is hereby made the duty of every person engaged in business described in Subsection (A) above to file with the City Clerk a report which shall be a sworn statement showing the gross receipts derived from the transaction of such business in the City during the preceding time period. Such report shall be filed not later than thirty (30) days following the close of the period to which the report relates. The first (1st) report shall cover a six (6) month period beginning January first (1st) or July first (1st) following approval of said gross receipts tax by the voters of the City of Bella Villa.
- D. *City Clerk's Authority To Investigate Accuracy.* The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required by Subsection (C), and for such purpose they shall have at all reasonable times access to the books, documents, papers and records of any person making such statement.

- E. *When Payable.* Every person who shall engage in the business described in Subsection (A) hereof shall pay to the City Clerk on the date of filing of the report as described in Subsection (C) hereof an amount equal to five percent (5%) of such person's gross receipts from such business for the preceding period as the case may be.
- F. *Liability For Other Taxes.* The tax required to be paid on the business described in Subsection (A) hereof shall be in lieu of any other occupational tax, but nothing herein shall be so construed as to exempt any such person from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, nor the tax required for sale of anything other than telephone service, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupational tax on the business described in Subsection (A) hereof. (R.O. 2009 §625.030; Ord. No. 190 §§1—5, 12-11-84; Ord. No. 291 §§I—VI, 5-9-95)

Editor's Note—Ord. nos. 411, 412 and 416 were passed in compliance with HB209 of the 2006 Missouri legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently, these ordinances were not codified.

SECTION 625.040: WATER SERVICE

- A. *Levy.* Every person engaged in the business of supplying water or water service for any purpose to consumers in the City shall pay to the City a license tax in the sum equal to five percent (5%) of the gross receipts from such business.
- B. *Gross Receipts Defined.* The term "gross receipts" means the aggregate amount of all sales and charges from the business of supplying water or water service made by any person in the City of Bella Villa during any period less discounts, credits, refunds, sales taxes and uncollectible accounts.
- C. *Filing Of Report Of Gross Receipts.* It is hereby made the duty of every person engaged in business described in Subsection (A) above to file with the City Clerk a report which shall be a sworn statement showing the gross receipts derived from the transaction of such business in the City during the preceding time period. Such report shall be filed not later than thirty (30) days following the close of the period to which the report relates. The first (1st) report shall cover a six (6) month period beginning January first (1st) or July first (1st) following approval of said gross receipts tax by the voters of the City of Bella Villa.
- D. *City Clerk's Authority To Investigate Accuracy.* The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required by Subsection (C), and for such purpose they shall have at all reasonable times access to the books, documents, papers and records of any person making such statement.
- E. *When Payable.* Every person who shall engage in the business described in Subsection (A) hereof shall pay to the City Clerk on the date of filing of the report as described in Subsection (C) hereof an amount equal to five percent (5%) of such person's gross receipts from such business for the preceding period as the case may be.

- F. *Liability For Other Taxes.* The tax required to be paid on the business described in Subsection (A) hereof shall be in lieu of any other occupational tax, but nothing herein shall be so construed as to exempt any such person from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, nor the tax required for sale of anything other than water service, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupational tax on the business described in Subsection (A) hereof. (R.O. 2009 §625.040; Ord. No. 292 §§I—VI, 5-9-95)

CHAPTER 630: VIDEO SERVICES PROVIDERS

SECTION 630.010: RATIFICATION OF EXISTING FRANCHISES

- A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Aldermen of the City of Bella Villa hereby ratifies all existing agreements, franchises and ordinances regulating cable television operators and other video services providers, including the imposition of a franchise fee of five percent (5%) imposed on the gross revenues of all such providers, and further declares that such agreements, franchises and ordinances shall continue in full force and effect until expiration as provided therein or until pre-empted by the issuance of video service authorizations by the Missouri Public Service Commission or otherwise by law, but only to the extent of said pre-emption.
- B. It shall be unlawful for any person to provide video services, as defined in Section 630.020 hereof, within the City without either an agreement, franchise or ordinance approved by the City or a video services authorization issued by the Missouri Public Service Commission. (R.O. 2009 §630.010; Ord. No. 431 §1, 1-24-08)

SECTION 630.020: VIDEO SERVICES REGULATIONS

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

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

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

1. Recurring charges for video services,
2. Event-based charges for video services including, but not limited to, pay-per-view and video-on-demand charges,
3. Rental of set top boxes and other video services equipment,
4. Service charges related to the provision of video services including, but not limited to, activation, installation, repair and maintenance charges,
5. Administrative charges related to the provision of video services including, but not limited to, service order and service termination charges, and
6. A pro rata portion of all revenue derived, less refunds, rebates or discounts, by a video services provider for advertising over the video services network to subscribers, where the numerator is the number of subscribers within the City and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:
 - a. Discounts, refunds and other price adjustments that reduce the amount of compensation received by a video services provider,

- b. Uncollectibles,
- c. Late payment fees,
- d. Amounts billed to subscribers to recover taxes, fees or surcharges imposed on subscribers or video services providers in connection with the provision of video services, including the video services provider fee authorized herein,
- e. Fees or other contributions for PEG or I-Net support, or
- f. Charges for services other than video services that are aggregated or bundled with amounts billed to subscribers, provided the video services 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 services provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

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

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

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

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

VIDEO SERVICES: The provision of video programming provided through wireline facilities, located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand or a per-channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video 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 SERVICES AUTHORIZATION: The right of a video services provider or an incumbent cable operator that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714, RSMo., to offer video services to subscribers.

VIDEO SERVICES NETWORK: Wireline facilities, or any component thereof, located at least in part in the public right-of-way that deliver video services, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "video services network" shall include cable television systems.

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

VIDEO SERVICES PROVIDER FEE: The fee imposed under Subsection (C) hereof.

B. General Regulations.

1. A video services provider shall provide written notice to the City at least ten (10) days before commencing video services within the City. 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 City and the provider so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week); and
 - c. A copy of the provider's video services authorization issued by the Missouri Public Service Commission.
2. A video services provider shall also notify the City, in writing, within thirty (30) days of:
 - a. Any changes in the information set forth in or accompanying its notice of commencement of video services, or
 - b. Any transfer of ownership or control of the provider's business assets.
3. A video services 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 services provider shall be governed in this respect by Section 67.2707, RSMo. The City may file a complaint in a court of competent jurisdiction alleging a germane violation of this Subsection, which complaint shall be acted upon in accordance with Section 67.2711, RSMo.
4. A video services 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 services provider other than an incumbent cable operator serving a majority of the residents within a political subdivision shall comply with this Section by December 31, 2007.
5. A video services provider shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees against any and all claims, suits, causes of action, proceedings and judgments ("claims") for damages or equitable relief arising out of:
 - a. The construction, maintenance, repair or operation of its video services network,
 - b. Copyright infringements, and
 - c. Failure to secure consents from the owners, authorized distributors or licenses or programs to be delivered by the video services network.

Such indemnification shall include, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim prior to the video services provider assuming such defense. The City shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the City may at its option continue to participate in the defense at its own expense. This

indemnification obligation shall not apply to any claim related to the provision of public, educational or governmental channels or programming or to emergency interrupt service announcements.

C. *Video Services Provider Fee.*

1. Each video services provider shall pay to the City a video services provider fee in the amount of five percent (5%) of the provider's gross revenues on or before the last day of the month following the end of each calendar quarter. The City may adjust the video services provider fee as permitted in Section 67.2689, RSMo.
2. A video services provider may identify and pass through on a proportionate basis the video services provider fee as a separate line item on subscribers' bills.
3. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video services provider as provided in Section 67.2691, RSMo. A video services 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 (1) night per week or some weekend hours.

NORMAL OPERATING CONDITIONS: Those service conditions which are within the control of the video services provider. Those conditions which are not within the control of the video services 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 services provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the video system.

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

2. All video services providers shall adopt and abide by the following minimum customer service requirements.
 - a. Video services providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers twenty-four (24) hours a day, seven (7) days a week.
 - b. Video services 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 (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
- d. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) 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 (95%) of the time measured on a quarterly basis:
 - (1) Standard installations shall be performed within seven (7) business days after an order has been placed. "Standard installations" are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.
 - (2) Excluding conditions beyond the control of the operator, the video services provider shall begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. The video services provider must begin actions to correct other service problems the next business day after notification of the service problem.
 - (3) The "appointment window" alternatives for installations, service calls and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.
 - (4) A video services provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
 - (5) If a video services 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:
 - (1) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
 - (2) The return of the equipment supplied by the video services 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 services 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 services provider or its affiliates as required under 47 U.S.C. Section 551, including all notice requirements. Video services 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.
- j. As required by Section 67.2692, RSMo., this Subsection (D) shall be enforced only as follows:
 - (1) Each video services provider shall implement an informal process for handling inquiries from the City and customers concerning billing issues, service issues and other complaints. If an issue is not resolved through this informal process, the City may request a confidential non-binding mediation with the video services provider, with the costs of such mediation to be shared equally between the City and the video services provider.
 - (2) In the case of repeated, willful and material violations of the provisions of this Section by a video services provider, the City may file a complaint on behalf of a resident harmed by such violations with Missouri's Administrative Hearing Commission seeking an order revoking the video services provider's Public Service Commission authorization. The City or a video services provider may appeal any determination made by the Administrative Hearing Commission under this Section to a court of competent jurisdiction which shall have the power to review the decision de novo. The City shall not file a complaint seeking revocation unless the video services provider has been given sixty (60) days' notice to cure alleged breaches but has failed to do so.

E. *Public, Educational And Government Access Programming.*

1. Each video services provider shall designate the same number of channels for non-commercial public, educational or governmental ("PEG") use as required of the incumbent cable television franchisee as of August 28, 2007.
2. Any PEG channel that is not substantially utilized by the City may be reclaimed and programmed by the video services provider at the provider's discretion. If the City finds and certifies that a channel that has been reclaimed by a video services provider will be substantially utilized, the video services provider shall restore the reclaimed channel within one hundred twenty (120) days. A PEG channel shall be considered "substantially utilized" when forty (40) hours per week are locally programmed on that channel for at least three (3) consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four (4) times during a calendar week.
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 City or its duly appointed agent receiving the benefit of such channel, and the video services provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers. The City must deliver and submit to the video services provider all transmissions of PEG content and programming in a manner or form that is capable of being accepted and transmitted

by such video services 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 services provider to deliver its video services. The video services provider shall cooperate with the City to allow the City to achieve such compatibility.

4. The City shall make the programming of any PEG access channel available to all video services providers in a non-discriminatory manner. Each video services provider shall be responsible for providing the connectivity to the City's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video services providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video services networks on mutually acceptable rates, terms and conditions for the purpose of transmitting PEG programming. A video services provider shall have no obligation to provide such interconnection to a new video services provider at more than one (1) point per headend, regardless of the number of political subdivisions served by such headend. The video services 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 services authorization) or January 1, 2012, whichever is earlier. Any other video services provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one (1) incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be prorated, depending on the nature of the obligation, as provided in Section 67.2703.8, RSMo. The City shall notify each video services provider of the amount of such fee on an annual basis, beginning one (1) year after issuance of the video services authorization.
 6. A video services 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 services providers shall comply with the right-of-way use and zoning regulations established in Chapter 550 and Section 430.015 of this Code and with all other applicable laws and regulations. (R.O. 2009 §630.020; Ord. No. 431 §2, 1-24-08)



CHAPTER 635: PEDDLERS AND SOLICITORS

SECTION 635.010: DEFINITIONS

As used in this Chapter, the following words have the meaning indicated:

CANVASSER: 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,

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.

PEDDLER: 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 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 visit. Such a person is a "*solicitor*".

SOLICITOR: 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,

1. Attempting to obtain a donation to 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.

SECTION 635.020: EXCEPTION

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

SECTION 635.030: PERMIT REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the City without first obtaining a permit in accordance with this Chapter. A canvasser is not required to have a permit but any canvasser wanting a permit for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

SECTION 635.040: FEE

The fee for the issuance of each permit shall be:

1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City: No fee.
2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City: A fee of ten dollars (\$10.00) per day.
3. For a solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence: No fee.
4. For a canvasser requesting a permit: No fee.

SECTION 635.050: APPLICATION FOR PERMIT

Any person or organization, formal or informal, may apply for one (1) or more permits by completing an application form at the office of the issuing officer during regular office hours.

SECTION 635.060: CONTENTS OF APPLICATION

The applicant, person or organization shall provide the following information:

1. Name of applicant.
2. Number of permits required.
3. The name, physical description and photograph of each person for which a permit 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.
4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a permit is requested.
6. A brief description of the proposed activity related to this permit. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a permit is requested and, if available, the Social Security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a permit is requested for the seven (7) years immediately prior to the application.
9. 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 permit is requested.

10. If a permit is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. 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.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
11. If a permit is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. 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.

SECTION 635.070: ISSUANCE OF PERMIT

The permit(s) shall be issued promptly after application but in all cases within eight (8) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
2. With respect to a particular permit, the individual for whom a permit is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or
3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

SECTION 635.080: INVESTIGATION

During the period of time following the application for one (1) or more permits and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the eight (8) business hours provided in Section 635.070, the permit will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests a permit, the investigation will proceed as described above, but if the City refuses to issue the permit (or revokes it after issuance), the canvasser will be advised that the failure to procure a permit does not prevent him/her from canvassing the residents of the City.

SECTION 635.090: DENIAL—ADMINISTRATIVE REVOCATION

If the issuing officer denies, or upon completion of an investigation revokes, the permit to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made 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/her option an appeal of the denial of his/her application before the Municipal Court of the City.

SECTION 635.100: HEARING ON APPEAL

If the applicant requests a hearing under Section 635.090, 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 City is located. The hearing shall also be subject to the Missouri open meetings and records law.

SECTION 635.110: DISPLAY OF PERMIT

Each permit 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 as so to be reasonably visible to any person who might be approached by said person.

SECTION 635.120: VALIDITY OF PERMIT

A permit shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

SECTION 635.130: REVOCATION OF PERMIT

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

1. Any violation of this Chapter by the applicant or by the person for whom the particular permit was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
4. 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 City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 635.090 above.

SECTION 635.140: 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 in a manner that causes damage to such privately owned property.
3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 635.150(1) and (2).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing a permit or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

SECTION 635.150: GENERAL PROHIBITIONS

No peddler, solicitor or canvasser shall:

1. 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 sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.
2. 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 solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. 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.
4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
5. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

SECTION 635.160: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.