

BILL NO. 1765
INTRODUCED BY: Alderman Hurtt

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WARSON WOODS,
MISSOURI, AMENDING SUBSECTION (B) OF SECTION
638.010 OF THE MUNICIPAL CODE OF THE CITY OF
WARSON WOODS, MISSOURI, AS THE SAME RELATES
TO VIDEO SERVICE PROVIDER FRANCHISE FEES.**

WHEREAS, pursuant to Section 67.2689, RSMo., beginning on August 28, 2023, the maximum video service provider fee a municipality may collect from a video service provider within the geographic area of the City was reduced from five percent (5%) to four and one-half percent (4.5%), with additional reductions to occur each year thereafter until, beginning August 28, 2027, and continuing thereafter, when such fee shall be set at two and one-half percent (2.5%); and

WHEREAS, Section 638.010(B) of the Municipal Code sets the video service provider fee at five percent (5%); and

WHEREAS, the Board of Aldermen desires to amend Section 638.010(B) of the Municipal Code to bring the Municipal Code into compliance with Section 67.2689, RSMo.;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, AS FOLLOWS:

SECTION 1. That Subsection (B) of Section 638.010 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Subsection (B) of Section 638.010 in its entirety and enacting, in lieu thereof, a new Subsection (B) of Subsection 638.010, to read as follows:

Section 638.010 Video Services Providers.

...

B. *Franchise Fee.* Pursuant to Section 67.2689, RSMo., and as partial compensation for use of the City's public rights-of-way, each video service provider or other person providing cable services or video services within the City shall, to the extent permitted by law, pay to the City the maximum fee, as a percentage of the gross revenues charged to each customer from such video services provider in the geographic area of the City, authorized by Section 67.2689, RSMo. Such payment shall be made as required by Section 67.2689, RSMo. The City shall have the right to audit any video service provider as authorized by Section 67.2691, RSMo. Late payments shall accrue interest due to the City compounded monthly at one and one-half percent (1.5%) or such other maximum rate as may be established by law.

SECTION 2. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 3. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, THIS 21st DAY OF NOVEMBER, 2023.

Sean Fitzgerald, Mayor

ATTEST:

Hannah Talley, City Clerk

APPROVED AS TO FORM:

Drew Weber, City Attorney