

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

For the purposes of this Chapter the following definitions shall apply:

ADJACENT PROPERTY: Property immediately adjoining any subject property. For the purposes of this definition, any intervening street, alley, highway or other public thoroughfare shall be disregarded.

ALCOHOLIC BEVERAGES: Intoxicating liquor or non-intoxicating beer.

CHURCH: Any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such a building or structure was originally designed and constructed for that purpose.

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

DIRECTOR: The Director of Liquor Control of the City of Greenwood or his/her designated agent.

FIVE PERCENT BEER: Any beer manufactured from pure hops or pure extract of hops and pure malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

INTOXICATING LIQUOR: Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (.5%) of alcohol by volume except for non-intoxicating beer.

LICENSEE: The person holding any license issued under the provisions of this Chapter.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: One (1) container of not less than fifty (50) milliliters of any intoxicating liquor or any package containing three (3) or more standard bottles of beer.

PERMITTEE: The holder of an employee's permit as issued by the City of Greenwood.

PERSON: An individual, partnership, club, association, firm or corporation.

PREMISES: The area located within an enclosure where alcoholic beverages are sold or consumed.

SECTION 600.020: DIRECTOR OF LIQUOR CONTROL

The Chief of Police shall be the Director of Liquor Control and be charged with the enforcement of the provisions of this Chapter. The Director shall be over twenty-one (21) years of age and shall not be an owner, officer or employee of any licensee under this Chapter.
(Ord. No. 94-11-01 §600.020, 11-7-94)

SECTION 600.030: LICENSES, RECORDS AND REPORTS

It shall be the duty of the Director to issue all licenses and permits provided by this Chapter. He/she shall keep a record of all licenses and permits so issued and of any suspension or revocation thereof. The Director shall make a full and complete report to the Board of Aldermen at the end of each fiscal year.

SECTION 600.040: SUSPENSION OR REVOCATION

- A. *Licensee.* The Director may suspend or revoke any license issued pursuant to the provisions of this Chapter at any time that a corresponding State liquor license of a licensee has been suspended or revoked. The license may be renewed or reinstated at such time as the licensee's State of Missouri liquor license has been renewed or reinstated.
- B. *Permittee.* The Director may suspend or revoke any permit issued pursuant to the provisions of this Chapter if the permittee has violated any of the provisions of this Chapter or if the permittee has made materially false statements in his/her permit application or failed to make a complete disclosure of all pertinent information in his/her application for permit.

SECTION 600.050: TEMPORARY CLOSING OF PREMISES

Notwithstanding any other provisions of this Chapter, the Director shall have the authority to close for a period not to exceed twenty-four (24) hours, any premises which may be in the immediate area of a mob, riot, strike or any type of violence, actual or probable, provided however, that the Director may not close such place under such circumstances without advising the Mayor and Board of Aldermen at the earliest possible time and provided further, that the Director may not close such place for two (2) or more consecutive twenty-four (24) hour periods without the approval of the Mayor and the Board of Aldermen.

SECTION 600.060: LICENSE REQUIRED

It shall be unlawful for any person to manufacture, sell, or solicit orders for the sale of alcoholic beverages, or allow the consumption of such beverages in or upon any premises where food, beverages or entertainment are sold or provided for compensation, within the City limits without first obtaining a license from the Director.

SECTION 600.070: LICENSE FEES

- A. *Due Date.* All license fees shall be due and payable on or before July first (1st) of each year and shall apply to the year beginning July first (1st) and ending June thirtieth (30th). If such license is

originally issued after July first (1st), the applicant shall pay one-twelfth (1/12th) of such fee for each month, or fraction thereof, remaining in the twelve (12) month period.

B. *Annual Fee Amounts.* The following list sets forth the required license fees for each specific type of license issued pursuant to this Chapter:

<i>Type of License</i>	<i>Amount</i>
Retail liquor by drink	\$450.00
5% beer by drink	52.50
5% beer by drink, wine	52.50
3.2% non-intoxicating beer by drink	37.50
Restaurant-bar	300.00
5% beer by drink restaurant-bar	300.00
5% beer by drink restaurant-bar, wine	300.00
Restaurant-bar, temporary	75.00/90 days
5% beer by drink restaurant-bar, temporary	75.00/90 days
5% beer by drink restaurant-bar, wine, temporary	75.00/90 days
Retail by drink picnic	37.50/ 7 days
5% beer by drink picnic	37.50/ 7 days
5% beer by drink, wine picnic	150.00/ 7 days
3.2% non-intoxicating beer by drink picnic	15.00/ 7 days
Retail liquor by drink, caterer	15.00/per day
5% beer by drink, caterer	15.00/per day
Original packaged liquor	150.00
Original packaged 5% beer	22.50
Original packaged 3.2% beer	22.50
Consumption of intoxicating liquor (C.O.L.)	90.00
Sunday sale of intoxicating liquor	300.00
(Provided that the licensee also possesses a license authorizing the sale at retail in the original package of intoxicating liquor on all other days)	

SECTION 600.080: STATE LICENSE REQUIRED

As a condition precedent to the issuance of a license under the provisions of this Chapter, the applicant must also procure a permit and license from the State of Missouri and the County of Jackson pursuant to the provisions of Chapters 311 and 312, RSMo.

SECTION 600.090: RETAIL LIQUOR BY DRINK LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell all kinds of intoxicating liquor at retail by the drink for consumption on the licensed premises, upon payment of the required license fee to the Director for each such license. Such license shall also include the privilege of selling alcoholic beverages in the original package on the licensed premises, for consumption off the licensed premises.

SECTION 600.100: FIVE PERCENT BEER BY THE DRINK LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell five percent (5%) beer or non-intoxicating beer at retail by the drink for consumption upon the licensed premises upon payment of the required license fee to the Director for each such license. Such license shall also include the privilege of selling five percent (5%) beer and non-intoxicating beer in the original package on the licensed premises for consumption off the licensed premises.

SECTION 600.110: 3.2 PERCENT NON-INTOXICATING BEER BY THE DRINK LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell non-intoxicating beer at retail for consumption on the licensed premises upon payment of the required license fee to the Director for each such license. Such license shall also include the privilege of selling non-intoxicating beer in the original package on the licensed premises for consumption off the licensed premises.

SECTION 600.120: RESTAURANT-BAR LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell all kinds of intoxicating liquor at retail, by the drink, for consumption on the licensed premises and alcoholic beverages in the original package for consumption off the licensed premises from 1:00 P.M. to 12:00 A.M. Midnight on Sunday, upon payment of the required license fee to the Director for each such license.

SECTION 600.130: C.O.L.—CONSUMPTION OF INTOXICATING LIQUOR LICENSE

A C.O.L. license may be issued for the consumption of alcoholic beverages in or upon premises which do not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation. The drinking or consumption of alcoholic beverages shall not be permitted under a C.O.L. license between the hours of 1:30 A.M. and 6:00 A.M. on any weekday and between the hours of 12:00 Midnight Saturday and 12:00 Midnight Sunday. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this Chapter and the laws, rules and regulations of the State of Missouri governing the conduct of premises licensed for the sale of intoxicating liquor by the drink.

1. A C.O.L. license may be issued to a club, organization or association which is private and non-profit and where either food, beverages or entertainment are provided for compensation in the form of dues, fees or special assessments, upon payment of the required license fee to the Director.
2. A C.O.L. license may be issued to commercial establishments or establishments which are commercial in nature where either food, beverages or entertainment are provided for compensation of any kind upon payment of the required license fee to the Director.
3. A one-day C.O.L. license for dance halls may be issued upon payment of the required license fee to the Director. Applications for each one-day C.O.L. license must be filed and approved by the Director at least three (3) weeks prior to the date when the one-day C.O.L. license is to become effective.

SECTION 600.140: ORIGINAL PACKAGE—LIQUOR SALES LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell at retail alcoholic beverages in the original package on the licensed premises upon payment of the required license fee to the Director for each such license.

SECTION 600.150: ORIGINAL PACKAGE—FIVE PERCENT BEER SALES LICENSE

A license shall be issued to all applicants who have complied with this Chapter licensing such applicant to sell at retail five percent (5%) beer or non-intoxicating beer in the original package on the licensed premises upon payment of the required license fee to the Director for each such license.

SECTION 600.160: UNLAWFUL ACTS CONCERNING LICENSES

- A. *False Statements.* It shall be unlawful for any person in obtaining or attempting to obtain a license to make any materially false statements in the application for such license.
- B. *Incomplete Information.* It shall be unlawful for any person to fail to make a complete disclosure of all pertinent and material information required in the application for a license.
- C. *Assignment or Transfer Prohibited.* All licenses issued pursuant to the terms of this Chapter are personal and it shall be unlawful for such licenses to be assigned or transferred.
 - 1. Provided however, in the event of the death of a retail licensee, any bona fide relative, of such deceased licensee, who shall meet the individual requirements of this Chapter, may be licensed to operate the business of the licensee for the remainder of the period for which a license fee has been paid and it shall not be necessary for such relative to secure a new license until the expiration of the license issued to the deceased licensee.
 - 2. Provided further, that if one (1) or more members of a partnership withdraws from the partnership, the Director, upon application, shall permit the remaining partner or partners originally licensed to continue the operation under the original license for the remainder of the period for which the license fee has been paid and it shall not be necessary for the remaining partner or partners to secure a new license until the expiration of the license.
- D. *Changing Corporate Ownership.* Any change in the officers, directors or shareholders of any corporation, partnership or firm holding a license under this Chapter shall be reported to the Director for approval prior to the effective date of the change. Any failure to make such a report shall be unlawful and may, at the discretion of the Director, result in suspension or revocation of the license.

SECTION 600.170: INDIVIDUAL LICENSE HOLDERS

No license provided for by this Chapter shall be issued to any individual except in conformity with the following:

- 1. Such individual is to be in fact actively engaged in the actual control and management of the particular alcoholic beverage or C.O.L. establishment for which a license is sought.

2. Such individual is twenty-one (21) years of age or over.
3. Such person is of good moral character, is qualified to hold an alcoholic beverage license in the State of Missouri, and that such person has never been the holder of an alcoholic beverage license or permit which has been revoked by any City or any State.

SECTION 600.180: CORPORATION LICENSE HOLDERS

No license provided for in this Chapter shall be issued to any corporation except in conformity with the following:

1. All the officers and directors of such corporations are persons of good moral character.
2. The managing officer of the corporation is a person who is eligible for a license as an individual under the provisions of this Chapter.
3. Such corporation has not been the holder of a license or permit which has been revoked by any City or State.

SECTION 600.190: EMPLOYEE'S PERMIT

A. *Permit Classifications.* The Director shall issue the following permits to all individuals employed by any licensee:

1. *Adult permit.* Any individual twenty-one (21) years of age or older shall obtain an employee's permit from the Director allowing the person to act in any capacity upon the licensed premises. The permit shall be valid for a period of two (2) years and shall remain valid only as long as the employee continues as an employee for the employer specified on his/her permit card.
2. *Minor permit.* Persons eighteen (18) years of age or older, but less than twenty-one (21) years of age, may receive a permit to act in the following capacities upon licensed premises:
 - a. On licensed premises where at least fifty percent (50%) of the gross sales made consist of goods, merchandise or commodities other than alcoholic beverages in the original package, permittee may stock, arrange displays, accept payment for, and sack for carry out intoxicating liquor or non-intoxicating beer.
 - b. When acting in the capacity of a waiter or waitress, permit holders may accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food; provided that nothing in this Subsection shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.
 - c. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, permit holders may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

The permit issued pursuant to this Subsection shall be valid until the holder's twenty-first (21st) birthday as long as the permit holder remains employed by the employer designated on the minor permit.

3. *Youth permit.* Persons under eighteen (18) years of age may be employed by license holders if at least fifty percent (50%) of the gross sales made consist of goods, merchandise, commodities or food other than alcoholic beverages, provided that such individuals shall have no contact whatsoever with alcoholic beverages, including the sale, stocking, sacking or serving of such alcoholic beverages. Holders of youth permits shall normally be employed by restaurants, grocery stores and convenience stores. The permit issued pursuant to this Subsection shall be valid until the holder's eighteenth (18th) birthday as long as the permit holder remains employed by the employer designated on the youth permit.

B. *Obtaining Permit.*

1. Each applicant must make written application to the Director and must be fingerprinted by the Police Department. Each applicant for an adult or minor permit shall pay the Director the sum of five dollars (\$5.00) as an application fee. Upon the expiration of any permit set forth in the previous Subsections, the applicant must obtain a new permit under the procedure described in this Subsection.
2. Any employee under the age of twenty-one (21) years employed on a sale by drink or C.O.L. license premises shall first furnish the Director, on a form supplied by the Director, a written consent signed by the employee's parent or legal guardian. All such consents shall be accompanied by a copy of the employee's birth certificate. Both the signed consent form and the copy of the birth certificate shall remain on file with the Director.

- C. *Invalidation or Suspension.* In the event any permitted employee becomes a Police character, or a person not of good moral character, or is convicted in court of any felony, his/her permit shall become invalid. If any permitted employee shall be found guilty of violating or contributing to the violation of any of the provisions of this Chapter or the liquor control laws, rules or regulations of the State of Missouri, his/her permit shall be subject to suspension by the Director.

SECTION 600.200: UNLAWFUL ACTS CONCERNING PERMITS

- A. *No Permit.* It shall be unlawful for any licensee to have in his/her employ any person who does not have an employee's permit issued by the Director.
- B. *False Representation.* It shall be unlawful for any person to use or possess any false or falsified employee's permit issued or purporting on its face to have been issued by the Director for the purpose of using such permit to obtain employment in or to purchase alcoholic beverages from any premises granted a license under the provisions of this Chapter or to misrepresent to any licensee, his/her agent, servant or employee or to the Director, his/her authorized agents or any member of the Police Department, that person's age to be twenty-one (21) years or older.
- C. *Falsifying Permit.* It shall be unlawful for any person to manufacture, forge, reproduce in any way or to otherwise falsify an employee's permit issued, or purported on its face to have been issued, by the Director, or to give, lend, sell or otherwise provide to any person a false, falsified, manufactured, forged or reproduced employee's permit issued by the Director.

- D. *Use of Another's Permit.* It shall be unlawful for any lawful holder of an employee's permit issued by the Director to give, lend, sell or otherwise provide such permit to any other person, or for any person not the lawful holder of such permit to use the same for any purpose declared to be unlawful by the provisions of this Chapter, or to give, lend, sell or otherwise provide such permit to any other person.

SECTION 600.210: LICENSE APPLICATION

- A. *Form and Contents.* Any person desiring to secure a license under the terms of this Chapter shall make application therefore to the Director in writing and under oath upon such application form as supplied by the Director. Each question on the application form shall be considered material to the issuance of the license and each question on such application form must be answered in full by the applicant.
- B. *Fingerprints.* All applicants for licenses under this Chapter shall be fingerprinted by the Police Department. If the applicant is a partnership, all partners shall be fingerprinted. If the applicant is a corporation, the managing officer shall be fingerprinted. The Director, in his/her discretion, may require the officers, directors and shareholders holding more than ten percent (10%) interest in a corporation to be fingerprinted.
- C. *Execution of Application.* Application for a license under this Chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular alcoholic beverage or C.O.L. establishment for which such license is sought.
- D. *Supplemental Reports.* The licensee, upon request of the Director, shall file a supplemental report within fifteen (15) days of any loan made to the licensee of money or credit relating directly or indirectly to the licensed business.

SECTION 600.220: INVESTIGATIONS

- A. *Liquor Control Investigation.* The Director shall cause an immediate investigation to be made of the statements contained in each new application for an alcoholic beverage license as well as the character, background, associates, financial investments and indebtedness of the applicant. The suitability of the location and surrounding conditions of the proposed premises shall also be investigated.
- B. *Police Investigation.* Upon receipt of a new application, the Director shall forward immediately to the Director of Public Safety a copy of said application along with the fingerprints of the applicant. The Director of Public Safety shall investigate all records available to the Police Department and shall furnish all pertinent information to the Director.
- C. *Fire, Health and Building Inspections.* The Director may at any reasonable time, or upon new application or renewal application, request the Zoning Enforcement Officer to make investigation of the licensed premises and the equipment and furnishings thereon to determine if the premises are in compliance with all the requirements of all City fire, health and building ordinances.
- D. *Ongoing Inspections.* The Director may at any reasonable time enter and inspect the licensed premises in order to determine if there are any violations of this Chapter on the premises.

- E. The Director may also require each licensee to produce for examination the books, records and papers of the licensee by issuance of an appropriate subpoena duces tecum in order to determine if there are any violations of this Chapter.

SECTION 600.230: ANNEXED BUSINESSES

Any person doing business outside the City limits in an area which is annexed by the City shall be eligible to apply within fifteen (15) days after annexation for a City license within the classification to which he/she is entitled at the time of annexation.

SECTION 600.240: RENEWALS

- A. Renewal applications shall be filed with the Director not less than thirty (30) days nor more than sixty (60) days prior to the expiration of the existing license. The applicant shall execute a renewal application indicating that all information provided on the original application is correct as stated and requiring that any new or different information be provided and explained by the applicant.
- B. If any application contains information which does not justify a license renewal or if the Director has other information that the applicant has not met all of the other requirements of this Chapter, the Director in his/her discretion may refuse to renew such license. In the event of such refusal, the applicant shall be entitled to request a hearing before the Board of Aldermen in the manner provided in this Chapter.
- C. If any licensee should fail to file the application for license renewal during the prescribed time, the Director shall notify that licensee that the license will lapse and that operation shall be suspended upon expiration of the original license until the renewal application is filed and processed.

SECTION 600.250: TRANSFER OF LOCATION

- A. *Application.* A licensee must file written application for permission to transfer a license to a different location. The application must be in writing on forms provided by the Director and shall be submitted to the Director along with an application fee of twenty-five dollars (\$25.00).
- B. *Processing.* Any application for a transfer of location shall be processed by the Director when received. The Director may refuse to approve any transfer of the business of a licensee whenever such licensed business is under citation by the City or the State Department of Liquor Control and the matter has not yet been finally adjudicated.

SECTION 600.260: LOST LICENSE

Whenever a license issued under this Chapter is lost or destroyed, a duplicate in lieu thereof may be issued by the Director to the licensee. The licensee shall make application under oath upon a form supplied by the Director, and the applicant shall specify the approximate date upon which the license was lost or destroyed and the circumstances under which the license was lost or destroyed.

SECTION 600.270: LOCATION OF PREMISES

- A. *Distance From Churches or Schools.* No alcoholic beverage license shall be issued for any

premises when said premises is within three hundred (300) feet of a school or church, measured from the nearest point of the enclosing wall of the premises to the nearest point of the school or church building, except that this prohibition shall not apply when a school, church or place of worship should move within three hundred (300) feet of an existing licensed premises.

- B. *Discretion.* In passing upon any application for a license under this Chapter, the Director shall have the authority to take into consideration the location of the proposed business and the density of alcoholic beverage licenses in the area for which a license is sought, and shall have authority to refuse to grant such license when in his/her judgment such issuance shall not be in the best interest of the locality involved.

SECTION 600.280: ESTABLISHED PREMISES NOT AFFECTED

Nothing contained in this Chapter shall affect the location of an alcoholic beverage establishment legally located before and continuously operated since the adoption of this Chapter.

SECTION 600.290: HOURS AND DAYS OF SALE

- A. No license shall allow the consumption of, sell, give away or otherwise dispose of any alcoholic beverages or allow the same to be done on or about the licensed premises between the hours of 1:30 A.M. and 6:00 P.M., Monday through Saturday, and between the hours of 9:00 A.M. Sunday and 6:00 A.M. Monday. Licensees who have been issued restaurant-bar licenses in conformance with this Chapter may remain open to sell alcoholic beverages for consumption on the licensed premises and alcoholic beverages in the original package for consumption off the licensed premises from 9:00 A.M. to 12:00 A.M. Midnight on Sunday, in addition to the legal hours and days set forth above. A holder of a three and two-tenths percent (3.2%) non-intoxicating beer by drink sales license, issued pursuant to the provisions of this Chapter, may sell such beer at retail on Sundays between the hours of 9:00 A.M. and 12:00 A.M. Midnight, provided however, that all such sales at retail of non-intoxicating beer for consumption on the premises shall only be made if at least fifty percent (50%) of the gross income of the licensed establishment is derived from prepared meals and food.
- B. When December thirty-first (31st) falls on a Sunday, any holder of a retail liquor by drink sales license may be open for business and sell alcoholic beverages by the drink under the provisions of his/her license on that day after 9:00 A.M. and until 1:30 A.M. Monday, notwithstanding any provisions herein to the contrary. (Ord. No. 2003-12-08-03 §1, 12-8-03)

SECTION 600.300: MISCELLANEOUS RESTRICTIONS

- A. *Responsibility of Licensee.* Licensees are at all times responsible for the conduct of their business and at all times responsible for any act or conduct of any employee on the premises which is in violation of this Chapter. It shall be the duty and responsibility of the licensee and the person in charge of the licensed premises at all times to supervise the operation and conduct of business in a diligent manner and to make reasonably certain that this Chapter is not violated.
- B. *Display of License.*
1. The licensee shall post the license issued pursuant to this Chapter upon the licensed premises and shall display said license at all times during the term of the license in a conspicuous place on the premises so that all persons visiting the premises may readily see the same. The license shall be posted before the licensee commences doing any business during the license term.

2. No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee. No licensee shall knowingly deface, destroy or alter any such license in any respect.

C. *Closed Place.*

1. The premises of any retail liquor by drink sale license or C.O.L. license shall be and remain a closed place at the times and upon the days during which the sale or consumption of alcoholic beverages is prohibited by this Chapter. Where the licenses are held by clubs, motels and hotels, this prohibition shall only apply to the premises where alcoholic beverages are dispensed or consumed. Where such licenses are held by restaurants where substantial quantities of food are served, then the licensee shall keep securely locked during the hours and upon the days specified all refrigerators, cabinets, cases, boxes and taps from which alcoholic beverages are dispensed.
2. All holders of packages sales licenses whose place of business remains open on the days and at the hours when the sale and consumption of alcoholic beverages is prohibited by law, shall at all times upon such days and at such hours keep all alcoholic beverages securely under lock and key in such a manner that alcoholic beverages cannot be removed without unlocking a lock.

SECTION 600.310: BOARD REVIEW

- A. Any aggrieved person may file a written request with the Board of Aldermen requesting the review of any decision of the Director to issue, deny, suspend or revoke any license or permit. Such written request shall be filed in City Hall with the City Clerk within ten (10) days after the Director's decision.
- B. Upon receipt of a request for review, the Board of Aldermen shall set a date for hearing at which it will investigate, examine and review the Director's decision. The Board of Aldermen may set aside any of the Director's actions if the majority of the members of the Board determine that the act should be altered and the Board may order the Director to issue a license or permit as necessary.
- C. Any applicant for a Board review hearing shall post a cash bond in the amount of two hundred fifty dollars (\$250.00) with the City Collector to secure the cost of such appeal. If the Director's decision is reversed in all respects by the Board of Aldermen, the Board shall charge all costs to the City and refund the full two hundred fifty dollars (\$250.00) bond to the appellant. If, however, the Board sustains the Director on any finding, the cost of review shall be deducted from the two hundred fifty dollar (\$250.00) bond with the remaining amount, if any, to be refunded to the appellant.

SECTION 600.320: OFFENSES

- A. *Unlicensed Sale.* No licensee shall sell any alcoholic beverages in any fashion other than that permitted by his/her license.
- B. *Alcoholic Beverages Outside Licensed Premises.* No holder of a sale by the drink license shall allow any alcoholic beverages to be removed from the licensed premises in any fashion other than in the original package.
- C. *Purchase by Minor.* It shall be unlawful for any person under the age of twenty-one (21) years to purchase alcoholic beverages.

- D. *Possession by Minor.* No person under the age of twenty-one (21) years shall have in his/her possession, either on his/her person or in a vehicle in which he/she is riding or sitting (unless when such minor is accompanied by a parent or lawful guardian), any alcoholic beverages. A person under the age of twenty-one (21) shall be deemed to be in possession of alcoholic beverages on his/her person if the person is visibly intoxicated, or if the person has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) by weight of alcohol in such person's blood. For purposes of this Section, a person is "*visibly intoxicated*" when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction.
- E. *Acquisition for Minors.* It shall be unlawful for any person to purchase or in any way obtain alcoholic beverages for any person under the age of twenty-one (21) years. In addition, it shall be unlawful for any person to obtain, convey, make available or deposit alcoholic beverages in any place where such person knows, or by the exercise of reasonable care should know, that a person or persons under the age of twenty-one (21) years are likely to come into possession of the same.
- F. *Sale to Minors.* No licensee, or employee, agent or servant of such licensee, shall sell, give away or otherwise dispose of alcoholic beverages to any person who is under the age of twenty-one (21) years.
- G. *Misrepresentation of Age.* It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his/her age or make a false statement wilfully about his/her age to anyone for the purpose of purchasing or in any way obtaining alcoholic beverages.
- H. *Sale to Intoxicated Persons.* No licensee, or employee, agent or servant of such licensee shall sell, give away or otherwise dispose of alcoholic beverages to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverages.
- I. *Intoxicated Persons on Premises.* No licensee shall allow any person who is intoxicated or under the influence of an alcoholic beverage to remain on the licensed premises.
- J. *Serving or Delivering to Vehicles.* No licensee shall serve or deliver any alcoholic beverages to any person who is in or about any motor car or other vehicle.
- K. *Alcoholic Beverages Brought on Premises.* It shall be unlawful for any person to take alcoholic beverages into or upon any premises covered by a sales by drink license for the purpose of consuming such alcoholic beverages in any form on such premises. In addition, it shall be unlawful for any licensee to allow any person to take alcoholic beverages into or upon any premises covered by a sales by drink license.
- L. *Consumption on Packaged Licensed Premises.* It shall be unlawful for any holder of a package sales license to allow the consumption of any alcoholic beverages in or upon the licensed premises. It shall be unlawful for any person to consume alcoholic beverages on such premises.
- M. *Sale Other Than Original Package.* It shall be unlawful for the holder of any package sales license to sell, dispense or give away alcoholic beverages in any fashion other than in the original package.
- N. *Inducement to Drink.* It shall be unlawful for any holder of a sales by the drink license or a C.O.L. license to give away alcoholic beverage either in drinks or otherwise, either with or without food, or to charge any less price for such drinks when served with food than served without food. In addition, it shall be unlawful for any such licensee to give away food with any drink sold or to offer any food free as an inducement to customers to purchase alcoholic beverages.

- O. *Disorderliness and Indecency.* No licensee shall allow in or upon the licensed premises any disturbances, disorderliness, lewdness, immoral activities, brawls, or any indecent, profane or obscene language, songs, entertainment, literature or advertising material, nor shall the licensee cause to have printed or distributed any lewd, immoral, indecent or obscene literature or advertising material. No licensee shall allow any bartender, bar maid, waitress, hostess or servant to appear on the licensed premises in a condition where either the breasts, the pelvic areas or the buttocks are not covered with opaque clothing, nor shall any employee appear on the licensed premises in such a condition. No licensee shall allow any employer or entertainer employed by the licensee or any patron to perform a dance of any kind whatever upon the bar or upon any other place used for serving food or beverages or in any place within the licensed premises open to public view from the sidewalk or street. No licensee shall allow either an exotic dance or striptease dance to be performed except as hereinafter provided:
1. Such dance shall be performed on a raised dais or platform containing not less than one hundred (100) square feet of surface raised at least eighteen (18) inches from the floor level where patrons may be seated or standing.
 2. Such dais must at every point be not less than six (6) feet from the nearest patron.
 3. Such dance shall not be performed in any place within the licensed premises which is open to public view from the sidewalk or street.
- P. No licensee shall allow upon the premises covered by such license any gambling of any kind or character for money, trade checks, prizes, merchandise, free drinks or food, free plays of pinball or video games, or any other consideration whatsoever. (Ord. No. 2007-03-12-06 §1, 3-12-07)

SECTION 600.330: PENALTY

- A. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor. The Municipal Court shall have the power to hear and determine the alleged violations of the provisions of this Chapter. Upon conviction of any violation of this Chapter, the defendant shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment.
- B. Each day that a violation of this Chapter continues shall be deemed a separate offense.

CHAPTER 605: LICENSES AND OCCUPATIONAL TAXES

ARTICLE I. CITY LICENSES

SECTION 605.010: LICENSE REQUIRED

- A. No person, company, association or corporation shall, within the City of Greenwood, Missouri, conduct, exercise, carry on, deal in or engage in any occupation, trade, business or avocation or deal in, sell or keep any article, things or places for profit without first taking out a City license therefor.
- B. Notwithstanding any provision of this Article to the contrary, a temporary City license may be issued for temporary business stands for four (4) days and all days must be consecutive in any six (6) month period at only one (1) location. *"Temporary business stands"* mean any booth, tent, street stand, or other temporary place in which the activities described in Subsection (A) occur. Written approval from the property owner for the use of the property must accompany the application, and within twenty-four (24) hours after ending the use of the temporary business stand, the licensee shall remove all trash, refuse, rubbish, signs and unsold merchandise from the stand location. Notwithstanding Section 605.020, the fee for a temporary City license shall be fifteen dollars (\$15.00). (Ord. No. 4.001 §1, 9-14-81; Ord. No. 95-09-113 §605.010, 9-11-95; Ord. No. 97-08-04-01 §1, 8-4-97; Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2008-08-11-01 §1, 8-11-08)

SECTION 605.011: TEMPORARY BUSINESS STANDS

Temporary Business Stands. A temporary license may be issued for temporary business stands for four (4) consecutive days within a six (6) month period at only one (1) location. *"Temporary business stand"* means any booth, tent, street stand, or other temporary place in which the activities described above occur. Written approval from the property owner for the use of the property must accompany the application, and within twenty-four (24) hours after ending the use of the temporary business stand, the licensee shall remove all trash, refuse, rubbish, signs and unsold merchandise from the stand location. Notwithstanding Section 605.045, the fee for a temporary City license shall be fifteen dollars (\$15.00). (Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.012: EXEMPTED OCCUPATIONS

- A. In accordance with Section 71.620.1, RSMo., as amended, the following professional occupations are exempt from the licensing and fee provisions of this Chapter:
 - 1. Minister of the gospel
 - 2. Duly accredited Christian Scientist practitioner
 - 3. Teacher
 - 4. Professor in college
 - 5. Priest
 - 6. Lawyer

7. Certified public accountant
 8. Dentist
 9. Chiropractor
 10. Optometrist
 11. Chiropodist
 12. Physician or surgeon
- B. In accordance with Section 71.630, RSMo., as amended, farmers and their employees and all other producers and their employees are exempt from the licensing and fee provisions of this Chapter when selling agricultural products and produce from a wagon, cart or vehicle that such farmers and producers have themselves raised or produced.
- C. In accordance with Section 71.620.2, RSMo., as amended, the following professional occupations are exempt from the licensing and fee provisions of this Chapter unless that person maintains a business office within the City of Greenwood, Missouri:
1. Architect
 2. Professional engineer
 3. Land surveyor
 4. Auctioneer
 5. Real estate broker or real estate salesperson
 6. Insurance agent or broker
- D. In accordance with Section 340.214, RSMo., as amended, veterinarians (for veterinary services only) are exempt from the licensing and fee provisions of this Chapter. (Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.013: MISSOURI RETAIL SALES LICENSE REQUIRED PRIOR TO ISSUANCE OF LICENSE

- A. Every applicant for an occupation license relating to a business which involves the retail sale of goods shall exhibit a valid and current retail sales license issued by the State of Missouri.
- B. The revocation of such retail sales license by the Director of Revenue of the State of Missouri shall render the occupation license issued hereunder null and void, provided however, that the Director of Revenue of the State of Missouri or any duly authorized representative must inform the City Clerk in writing of such revocation of a retailer's license before such City license shall be revoked.
- C. The applicant may obtain a City occupation license upon presentment of proof of issuance or reissuance of a Missouri retail sales license in effect at the time of revocation under the provisions of Subsection (B) above, upon the payment of any occupational license fees due plus a reinstatement

fee of five dollars (\$5.00).

- D. Pursuant to Section 144.083.4, RSMo., the possession of a statement from the Missouri Department of Revenue stating no tax is due under Sections 143.191 to 143.265 or Sections 144.010 to 144.510, RSMo., shall also be a prerequisite to the issuance or renewal of a City business license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety (90) days before the date of submission for application or renewal of the City license. (Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.020: LICENSE FEE

There is hereby levied a license fee to be charged and collected on all businesses, occupations, professions, trades and avocations; on all persons, companies, associations and corporations who shall deal in or sell any articles or things and any business or trade which operates for-profit, whether operated by a person, company, association or corporation, until said person, firm or corporation shall obtain an occupational license and pay therefore the sum of fifty dollars (\$50.00). (Ord. No. 4.001 §2, 9-14-81; Ord. No. 95-09-113 §605.020, 9-11-95; Ord. No. 97-08-04-01 §2, 8-4-97; Ord. No. 2002-11-12-04 §1, 11-12-02; Ord. No. 2006-05-08-03 §1, 5-8-06)

SECTION 605.025: LICENSURE REQUIREMENTS

No license shall be issued, renewed or reinstated for any business, occupation, profession, trade or avocation whose lands, premises, buildings or structures in which they operate or maintain stores of goods, supplies or equipment are not in conformance with all applicable zoning and building code requirements. No license shall be issued, renewed or reinstated for any occupation, profession, trade, business or avocation not possessing any and all licenses, certifications, permits or other applicable authorization required by Federal, State or County laws or regulations. Each applicant for a license shall complete a form as prescribed by the City Clerk which shall contain at a minimum: the name, address and phone number of the business; the name, address and phone number of the owner(s); the name, address and phone number of the owner's agent who shall be a resident of Jackson or Cass County, if the owner is not a resident of Jackson or Cass County or if the owner is a corporation, limited liability company, partnership, limited partnership, limited liability partnership or non-profit organization; the nature of or type of business being conducted; a certification that, to the best of the applicant's knowledge, the business possesses all licenses, certifications, permits or other applicable authorizations required by Federal, State or County laws or regulations; and a statement requiring the owner or owner's agent to notify the City in writing of any change in the location, ownership, name or legal status of the business within ten (10) days of change. (Ord. No. 2006-05-08-03 §1, 5-8-06)

SECTION 605.030: FEE TO BE PAID BEFORE ISSUANCE OF LICENSE

It shall be the duty of the City Collector or other proper officer to collect the license fee herein provided for, and the City Collector shall issue all licenses which shall be signed by the City Clerk and no license shall be issued until the fee for same as herein provided is paid. (Ord. No. 4.001 §3, 9-14-81; Ord. No. 95-09-113 §605.030, 9-11-95; Ord. No. 97-08-04-01 §3, 8-4-97; Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.040: VALIDITY

All licenses shall be valid from the time of issuance to March thirty-first (31st) of the same year. Nothing in this Article contained shall be construed as authorizing any persons to sell intoxicating liquors, maintain a public nuisance or otherwise violate other Statutes or ordinances by virtue of said license. (Ord. No. 4.001 §4, 9-14-81; Ord. No. 95-09-113 §605.040, 9-11-95; Ord. No. 97-08-04-01 §4, 8-4-97; Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2011-12-27-02 §1, 12-27-11)

SECTION 605.041: LICENSE NON-TRANSFERABLE

There shall be no transfers of license from one person to another except that where a business, including stock, if any, is sold and the new owner continues the business at the same location and under the same name, the license shall continue to expiration. (Ord. No. 2006-05-08-03 §1, 5-8-06)

SECTION 605.045: EFFECTIVE DATE AND TERM OF LICENSE

This Article shall become effective on May 8, 2006, and all licenses shall be granted concurrent to the passage of this Article and subject to renewal on each succeeding year. No license shall be granted for less than a one (1) year period. (Ord. No. 97-08-04-01 §5, 8-4-97; Ord. No. 2006-05-08-03 §1, 5-8-06)

SECTION 605.046: DENIAL OR REVOCATION OF LICENSE

- A. A license issued under the provisions of this Chapter may be revoked, suspended or denied by the City Clerk or by the Board of Aldermen (after notice and hearing before the Board of Aldermen) for any of the following reasons:
1. Any fraud, misrepresentation or false statement contained in the application for license.
 2. Non-compliance with all applicable City zoning and building code requirements.
 3. Any violation of the terms or provisions of this Chapter.
 4. Conduct of the business licensed under the provisions of this Chapter in an unlawful manner or in such manner as to constitute a breach of the peace or detrimental to the public health, safety or welfare.
 5. Failure or refusal to comply with the requirements of a provisional order or any other order issued by City Clerk or Board of Aldermen.
 6. Failure to obtain any and all licenses, certifications, permits or other applicable authorization required by Federal, State, County, or City laws or regulations, including, but not limited to, a Missouri retail sales license.
 7. Failure to pay City taxes or user fees.
- B. Notice of a finding of violation shall be given as set forth in Section 605.047. The owner or agent of any occupation, trade, business or profession shall be given an opportunity to correct the condition(s) in violation, request a public hearing before the Board of Aldermen or cease operation

of the business. If the owner or agent requests a hearing, the hearing shall be conducted as set forth in Section 605.048. Upon conclusion of the public hearing, the Board of Aldermen shall approve, revoke, deny or suspend the business license.

- C. Upon revocation, denial or suspension of a business license no refund of any portion of the license fee shall be made to the licensee and the licensee shall immediately cease all business operations at each place found to be in violation of the provisions of this Chapter or any other law or Chapter.
- D. As stated in Section 314.200, RSMo., the City shall not deny a license to an applicant primarily upon the basis that a felony or misdemeanor conviction of the applicant precludes the applicant from demonstrating good moral character, where the conviction resulted in the applicant's incarceration and the applicant has been released by pardon, parole or otherwise from such incarceration, or resulted in the applicant being placed on probation and there is no evidence the applicant has violated the conditions of that probation. The City may consider the conviction as some evidence of an absence of good moral character, but shall also consider the nature of the crime committed in relation to the license which the applicant seeks, the date of the conviction, the conduct of the applicant since the date of the conviction and other evidence as to the applicant's character.
- E. Any person violating any order of the City Clerk or Board of Aldermen dealing with the suspension, denial or revocation of any license made pursuant to this Section continuing to engage in any business, profession or occupation during the term of such suspension or revocation shall be subject to the violation and penalty provision of Section 100.050. (Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.047: FINDING OF VIOLATION–NOTICE

- A. Upon findings of a violation(s), the City Clerk shall serve notice on the owner or agent of any occupation, trade, business or profession. The notice shall state the condition(s) which is (are) in violation of this Chapter. The notice shall inform the owner, agent, individual, firm, corporation, business, trade or company that:
 - 1. He/she or they shall have ten (10) days from the date of receipt of the notice to correct the condition(s) in violation of this Chapter; or
 - 2. He/she or they have ten (10) days from the date of receipt of the notice to request a hearing before the Board of Aldermen;
 - 3. Failure to correct the condition(s), request a hearing within the time frame allowed or cease operation may result in Municipal Court prosecution;
 - 4. The owner, occupant or agent in charge of the property should contact the City Clerk if there are any questions regarding the order.
- B. Service shall be by certified mail, return receipt requested or personal service to the address on the license. Notice shall be deemed served upon the date of acceptance of personal service or three (3) business days following the mailing of certified mail. Notice shall also be deemed served upon posting of said notice at the address on the license if mailed notice is deemed undeliverable by the United States Postal Service or upon refusal of personal service. (Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.048: HEARING

If a hearing is requested within the ten (10) day period as provided in Section 605.047, such request shall be made in writing to the Board of Aldermen. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the City Clerk before the Board of Aldermen. The hearing shall be held by the Board of Aldermen as soon as possible after the filing of the request therefore and the person shall be advised by the City of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Board of Aldermen. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Board of Aldermen shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter. (Ord. No. 2006-05-08-03 §1, 5-8-06; Ord. No. 2011-10-25-09 §1, 10-25-11)

SECTION 605.049: REINSTATEMENT OF REVOKED LICENSE

A license revoked for any violation of the terms of this Article shall be reinstated only upon correction of all stated violations, payment of all fines and costs from said violations and payment of a fifty dollar (\$50.00) reinstatement fee. (Ord. No. 2006-05-08-03 §1, 5-8-06)

SECTION 605.050: VIOLATION AND PENALTY

Any individual, firm or corporation or concern whatever is liable to pay a license fee under the terms of this Article, who or which shall do business without first having obtained said license or following revocation of said license, shall upon conviction be deemed guilty of a misdemeanor and each day said business is carried on or conducted without having obtained said license shall be deemed a separate offense and upon conviction thereof shall be fined a sum not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). (Ord. No. 97-08-04-01 §6, 8-4-97; Ord. No. 2006-05-08-03 §1, 5-8-06)

ARTICLE II. ELECTRIC LIGHT AND POWER COMPANIES

**SECTION 605.060: OCCUPATION TAX—PERCENTAGE—TAX TO BE PAID
MONTHLY—FILING OF STATEMENT**

- A. Every light and power company, and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing any electric plant or system generating, manufacturing, selling, distributing or transmitting electric energy and power, shall, in addition to all other taxes, payments or fees now or hereafter required by law or ordinance, pay to the City of Greenwood, Missouri, an occupation tax in an amount equal to five percent (5%) of the gross receipts derived from the sale of electric energy within the present or future limits of the City of Greenwood, Missouri, during the period of such occupation.
- B. The said occupation tax shall be based upon the sale of electric energy for domestic and commercial consumption and not for resale, but not including any revenue for electric service to the City of Greenwood, Missouri.

- C. Said light and power company shall pay the occupation tax herein provided monthly, and said tax shall be computed upon the basis of gross revenue from the first (1st) day through the last day of each month beginning on August 4, 1977. The said company shall calculate the tax due the said City monthly, and within sixty (60) days after the last day of each month file a statement notifying said City of the amount of gross revenue subject to the payment of the said tax which was received during the month, and at the time of filing such statement shall pay to the said City the tax due. (Ord. No. 4.003 §§1-3, 8-1-77)

ARTICLE III. GAS SERVICE COMPANY

SECTION 605.070: MAINTAINING BUSINESS LICENSE TAX

The City of Greenwood, in order to maintain its sources of revenue at its historical level, hereby determines to maintain the five percent (5%) gross receipt tax on the sales of Gas within the City by the KPL Gas Service Company. (Ord. No. 5.403 §1, 12-18-86)

ARTICLE IV. PENALTY

SECTION 605.080: PENALTY

Any person violating any of the provisions of this Chapter shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00). (Ord. No. 94-11-02 §605.060, 11-7-94)

ARTICLE V. USE OF FIREWORKS

SECTION 605.090: DEFINITION

As used in this Article, the following terms shall have the prescribed meaning:

CONSUMER FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as Class C common fireworks by regulation of the United States Department of Transportation.

DISPLAY FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as Class B display fireworks by regulation of the United States Department of Transportation.

PROXIMATE FIREWORKS: A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration or detonation, as defined by the most current

edition of the American Pyrotechnics Association (APA), Standard 87-1, Section 3.8, specific requirements for theatrical pyrotechnics. (Ord. No. 2006-01-23-02 §1, 1-23-06; Ord. No. 2008-05-27-09 §1, 5-27-08)

SECTION 605.100: PERMIT FOR PUBLIC DISPLAY OF FIREWORKS

Notwithstanding any other provision in this Article to the contrary, the Director of Building and Zoning or his or her designee, upon recommendation from the appropriate fire protection service provider, may issue a permit for a maximum period of twenty-four (24) consecutive hours for the possession and use of fireworks, including display fireworks and proximate fireworks, for the purpose of organized public fireworks exhibitions, including on public property, provided that the permit holder takes adequate safety precautions to protect the public from injury or property damage and provided that the exhibition is conducted by skilled, qualified persons. (Ord. No. 2006-01-23-02 §1, 1-23-06; Ord. No. 2007-12-10-06 §1, 12-10-07; Ord. No. 2008-05-27-09 §2, 5-27-09)

SECTION 605.110: SAFETY REQUIREMENTS

- A. No permit shall be issued for any location where paints, oils or varnishes are manufactured or kept for use or sale nor where rosin, turpentine, gasoline or other similar inflammable substances or any substance which may generate inflammable vapors is used, stored or offered for sale or where the Fire Inspector shall determine that any condition exists which makes the storage or sale of fireworks at such location unusually hazardous.
- B. No fireworks shall be stored, kept or discharged within one hundred (100) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon.
- C. Each permittee shall keep and maintain at least two (2), five (5) pounds each, A.B.C. dry chemical fire extinguishers with a 2-A rating or over, mounted in plain view, per location, near a path of travel.
- D. The smoking or carrying of a lighted pipe, cigar, cigarette or tobacco in any form is prohibited in all places where fireworks are displayed within fifty (50) feet thereof.
- E. No person shall ignite or discharge any fireworks within or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited articles of fireworks into or at a motor vehicle.
- F. No person shall ignite or discharge any fireworks on public property, including streets and parks, unless pursuant to a permit issued under Section 605.100.
- G. It shall be unlawful to discharge fireworks from the roof or from the inside of any building.
- H. No person shall knowingly ignite or discharge any fireworks at or onto the property of another without first obtaining consent of the owner, lessee or occupant of such property.
- I. Reserved.
- J. Reserved. (Ord. No. 2006-01-23-02 §1, 1-23-06; Ord. No. 2007-12-10-06 §§2-3, 12-10-07; Ord. No. 2008-05-27-09 §3, 5-27-08)

SECTION 605.115: CONSUMER FIREWORKS

- A. The possession, storage, handling and use of consumer fireworks shall be permitted within the corporate limits of the City of Greenwood, Missouri, except that it shall be unlawful for any person to possess, store, handle or use, within the corporate limits of the City, the following consumer fireworks:
1. Rockets on a stick;
 2. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
 3. Roman candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING SHOOTS FLAMING BALLS" or "WARNING SHOOTS FLAMING BALLS AND REPORTS" and not including California candles or illuminating torch with the following wording on the caution label: "CAUTION EMITS SHOWERS OF SPARKS" and single or multi-shot parachutes, with night or daytime effects.
- B. No fireworks of any kind may be sold within the City **except as may otherwise be permitted by the City on City owned property**. The possession or discharge of consumer fireworks is allowed.
- C. The use of consumer fireworks pursuant to this Section within the City limits shall only be permitted between the Friday before the Park and Recreations Board's Freedom Celebration (traditionally the last Saturday in June) through and including July fourth (4th). The hours during which consumer fireworks may be discharged are:
1. No earlier than 10:00 A.M.;
 2. No later than:
 - a. On a Friday, 11:00 P.M.;
 - b. On a Saturday, Midnight;
 - c. On a Sunday, Monday and Tuesday, **Wednesday and Thursday 10:00 P.M.**;
 - d. On July fourth (4th);
 - (1) If it falls on **Sunday**, Monday, Tuesday, Wednesday or Thursday, 11:00 P.M.;
 - (2) If it falls on a Friday or Saturday, Midnight.
- D. It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot consumer fireworks in such a manner that after it is ignited, it, or any part thereof, lands on property not owned by the person shooting the fireworks without first obtaining consent of the owner, lessee or occupant of such property.
- E. It shall be unlawful for any person to throw, use, explode, detonate, or shoot consumer fireworks within six hundred (600) feet of any church, hospital, mental health facility or school.
- F. It shall be unlawful for any person to throw, use, explode, detonate, or shoot consumer fireworks within any structure.

- G. No person shall use, explode, detonate or shoot fireworks within, or throw the same from, a motorized vehicle including watercraft or any other means of transportation, nor shall any person place or throw any ignited firework into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person, group of people or animal.
- H. No person shall throw, use, explode, detonate or shoot fireworks within three hundred (300) feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any non-permanent structure where fireworks are stored, sold or offered for sale. (Ord. No. 2008-05-27-09 §4, 5-27-08; Ord. No. 2009-08-10-04 §1, 8-10-09; Ord. No. 2012-06-26-03 (Bill No. 2674) §1, 6-26-12; Ord. No. 2013-6-27-03, 6/27/13; Ord. No. 2015-2887, 4/28/2015)

SECTION 605.120: EXCLUSIONS

Nothing in this Article shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States or of this State or to Peace Officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events. (Ord. No. 2006-01-23-02 §1, 1-23-06)

SECTION 605.130: PENALTIES

Any person, firm or corporation violating the provisions of this Section shall, upon conviction, be adjudged guilty of a misdemeanor and be punished according to Section 100.050 of this Code. Violation of any of the provisions of this Article shall also cause an immediate and automatic revocation of all permits issued pursuant to this Chapter 605. Furthermore, any violation which involves the use of fireworks, other than permissible fireworks, shall cause an automatic forfeiture of that merchandise to the City. (Ord. No. 2006-01-23-02 §1, 1-23-06; Ord. No. 2008-05-27-09 §5, 5-27-08)

CHAPTER 610: VIDEO SERVICES PROVIDERS

SECTION 610.010: RATIFICATION OF EXISTING VIDEO FRANCHISES

- A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Aldermen of the City of Greenwood, Missouri, hereby ratifies all existing agreements, franchises, Code provisions and ordinances regulating cable television operators and other video service providers, and imposes a franchise fee of five percent (5%) 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 610.020, within the City without an agreement, franchise or ordinance approved by the City or a video service authorization issued by the Missouri Public Service Commission. (Ord. No. 2012-11-13-06 §1, 11-13-12)

SECTION 610.020: VIDEO SERVICE REGULATIONS

- A. *Definitions.* As used in this Chapter, 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 by an entity holding a video service authorization from advertisers for the provision of video services within the City, including:

1. Recurring charges for video service;
2. Event-based charges for video service, including, but not limited to, pay-per-view and video-on-demand charges;
3. Rental of set-top boxes and other video service equipment;
4. Service charges related to the provision of video service, including, but not limited to, activation, installation, repair and maintenance charges;
5. Administrative charges related to the provision of video service, including, but not limited to, service order and service termination charges; and
6. A pro rata portion of all revenue derived, less refunds, rebates or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the City and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:
 - a. Discounts, refunds and other price adjustments that reduce the amount of compensation received by an entity holding a video service authorization;
 - b. Uncollectibles;
 - c. Late payment fees;
 - d. Amounts billed to subscribers to recover taxes, fees or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein;
 - e. Fees or other contributions for PEG or I-net support; or
 - f. Charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means.

Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

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

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

VIDEO SERVICE: The provision of video programming provided through wire line facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand or a per-channel basis, including cable service as defined by 47 U.S.C. 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 SERVICE AUTHORIZATION: The right of a video service provider or an incumbent cable operator that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714, RSMo., to offer video service to subscribers.

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

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

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

B. *General Regulations.*

1. A video service provider shall provide written notice to the City at least ten (10) days before commencing video service within the City. Such notice shall also include:
 - 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 service authorization issued by the Missouri Public Service Commission.
2. A video service provider shall also notify the City, in writing, within thirty (30) days of:
 - a. Any changes in the information set forth in or accompanying its notice of commencement of video service; or
 - b. Any transfer of ownership or control of the provider's business assets.
3. A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the area in which the group resides. A video service provider shall be governed in this respect by Section 67.2707, 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 service provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of emergency messages over the emergency alert system applicable to cable operators.

5. A video service provider shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees against any and all claims, suits, causes of action, proceedings and judgments ("claims") for damages or equitable relief arising out of:
 - 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 licensees or programs to be delivered by the video service network. Such indemnification shall include, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The City shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the City may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply to any claim related to the provision of public, educational or governmental channels or programming or to emergency interrupt service announcements.

C. *Video Service Provider Fee.*

1. Each video service provider shall pay to the City a video service provider fee in the amount of five percent (5%) of the provider's gross revenues on or before the last day of the month following the end of each calendar quarter. The City may adjust the video service provider fee as permitted in Section 67.2689, RSMo.
2. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.
3. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691, RSMo. A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business.

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

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

2. All video service providers shall adopt and abide by the following minimum customer service requirements.
 - a. Video service providers shall maintain a local, toll-free or collect call telephone access line which may be available to subscribers twenty-four (24) hours a day, seven (7) days a week.
 - b. Video service providers shall have trained company representatives available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day.
 - c. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (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 service provider shall begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. The video service provider must begin actions to correct other service problems the next business day after notification of the service problem.
 - (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 service 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 service provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer must be contacted. The appointment shall be rescheduled, as necessary, at a time convenient for the customer.
 - g. Refund checks shall be issued promptly, but no later than either (a) the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

- (b) the return of the equipment supplied by the video service provider if the service is terminated.
 - h. Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
 - i. Video service providers shall not disclose the name or address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.
3. As required by Section 67.2692, RSMo., Sections 610.010 et seq., shall be enforced only as follows:
- a. Each video service provider shall implement an informal process for handling inquiries from the City and customers concerning billing issues, service issues and other complaints. If an issue is not resolved through this informal process, the City may request a confidential non-binding mediation with the video service provider, with the costs of such mediation to be shared equally between the City and the video service provider.
 - b. In the case of repeated, willful and material violations of the provisions of this Section by a video service provider, the City may file a complaint on behalf of a resident harmed by such violations with Missouri's Administrative Hearing Commission seeking an order revoking the video service provider's Public Service Commission authorization. The City or a video service provider may appeal any determination made by the Administrative Hearing Commission under this Section to a court of competent jurisdiction, which shall have the power to review the decision de novo. The City shall not file a complaint seeking revocation unless the video service provider has been given sixty (60) days' notice to cure alleged breaches but has failed to do so.

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

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

and programming in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal. Such content and programming must be compatible with the technology or protocol utilized by the video service provider to deliver its video services. The video service provider shall cooperate with the City to allow the City to achieve such compatibility.

4. The City shall make the programming of any PEG access channel available to all video service providers in a non-discriminatory manner, Each video service provider shall be responsible for providing the connectivity to the City's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video service providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms and conditions for the purpose of transmitting PEG programming. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one (1) point per headend, regardless of the number of political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable method of connection acceptable to the person providing the interconnect.
 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 early termination by virtue of issuance of a video service authorization) or January 1, 2012, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one (1) incumbent, then the incumbent with the most subscribers as of August 27, 2007. Such obligation shall be prorated, depending on the nature of the obligation, as provided in Section 67.2703.8, RSMo. The City shall notify each video service provider of the amount of such fee on an annual basis, beginning one (1) year after issuance of the video service authorization.
 6. A video service provider may identify and pass through as a separate line item on subscribers' bills the value of monetary and other PEG access support on a proportionate basis.
- F. *Compliance With Other Regulations.* All video service providers shall comply with all other applicable laws and regulations. (Ord. No. 2012-11-13-06 §1, 11-13-12)

CHAPTER 610

PEDDLERS AND SOLICITORS

Section 610.010 DEFINITIONS.

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

- A. "Peddler" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or 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.”

- B. “Solicitor” is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (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.
- C. “Canvasser” is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (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.

SECTION 610.020 EXCEPTIONS.

This Chapter shall not apply to:

- A. a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer;
- B. the sale, or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden produce grown or produced by the person selling the same;
- C. any person, age 16 and under who are residents of the City, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children’s organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities.

SECTION 610.030 IDENTIFICATION CARD 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 an Identification Card in accordance with this Chapter. A canvasser is not required to have an Identification Card but any canvasser wanting an Identification Card for the purpose of reassuring City residents of the canvasser’s good faith shall be issued one upon request. An Identification Card issued under this Chapter is not transferable or assignable.

SECTION 610.040 CARD IN ADDITION TO BUSINESS LICENSE.

The identification cards for peddlers and solicitors required by this Chapter are in addition to and not in lieu of any business license such persons may be required to obtain under the provisions of this Code.

SECTION 610.050 FEE.

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

- A. For a peddler acting on behalf of a merchant whose physical address is within the city.....no fee.
- B. For a peddler acting on behalf of a merchant whose physical address is not within the city.....a fee of \$5.00 per day.
- C. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence)..... \$5.00 per day.
- D. For a canvasser requesting an Identification Card.....no fee.

SECTION 610.060 APPLICATION FOR IDENTIFICATION CARD.

Any person or organization (formal or informal) may apply for one or more identification cards by completing an application form at the office of the City Clerk, during regular office hours.

SECTION 610.070 CONTENTS OF APPLICATION.

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

- A. Name of applicant.
- B. Number of identification cards required.
- C. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested.
- D. The permanent and (if any) local address of the applicant.
- E. The permanent and (if any) local address of each person for whom a card is requested.
- F. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).
- G. Date and place of birth for each person for whom a card is requested and (if available) the social security number of such person.

H. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven years immediately prior to the application.

I. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a card is requested.

J. If a card is requested for a peddler:

1. The name and permanent address of the business offering the event, activity, well or service (i.e., the peddler's principal).

2. A copy of the principal's sales tax license as issued by the state of Missouri.

K. If a card is requested for a solicitor:

1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.

2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.

L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

SECTION 610.080 ISSUANCE OF IDENTIFICATION CARD.

The identification card(s) shall be issued promptly after application but in all cases within 2 business days of completion of an application, unless it is determined within that time that:

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

B. with respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven years, or

C. any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

SECTION 610.090 INVESTIGATION.

During the period of time following the application for one or more identification cards 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 2 business days provided in section 610.070, the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation. [If a canvasser requests an identification card, the investigation will proceed as described above, but if the city refuses to issue the identification card (or revokes it after issuance), the canvassers will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents

of the city.]

SECTION 610.100. DENIAL; ADMINISTRATIVE REVOCATION; APPEAL.

If the City Clerk denies (or upon completion of an investigation revokes) the identification card to one or more persons she shall immediately convey the decision to the applicant orally and shall within 2 business days 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 (or written) notification, and even before the preparation of the written report, the applicant has the right of an appeal of the denial of his or her application before the Mayor upon reasonable notice.

SECTION 610.110 DISPLAY OF IDENTIFICATION CARD.

Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) carried at all times and made visible to any person who might be approached by said person.

SECTION 610.120 VALIDITY OF IDENTIFICATION CARD.

Subject to the payment of any applicable fees as provided in Section 610.050, an identification card shall be valid within the meaning of this Chapter for a period of six months from its date of issuance.

SECTION 610.130 REVOCATION OF CARD.

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

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

SECTION 610.140 GENERAL PROHIBITIONS.

No peddler, solicitor or canvasser shall:

- A. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as “no soliciting” or “no solicitors” in letters of at least two inches in height. The phrase “no soliciting” or “no solicitors” shall also prohibit peddlers and canvassers. This

- prohibition shall not apply when the peddler, solicitor, or canvassers has an express invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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.
- B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “no soliciting” or “no solicitors” and which is clearly visible to the peddler, solicitor or canvasser. This prohibition shall not apply when the peddler, solicitor, or canvassers has an express invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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.
 - C. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property. Any person violating this subsection 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.
 - D. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 - E. Enter upon the property of another except between the hours of 9:00 a.m. and the time designated as sunset published for that date in the *Kansas City Star*, or 7:30 p.m. whichever is earlier, Monday through Saturday. This prohibition shall not apply when the peddler or solicitor has an express invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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. The prohibition contained in this subsection shall only apply to peddlers and solicitors, and not canvassers.
 - F. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
 - G. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

- H. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- I. Failing to provide proof of the Identification Card when requested.
- J. Using the Identification Card of another person.
- K. Claim to have the endorsement of the City solely based on the City having issued an Identification Card to that person.

SECTION 610.150 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:

- A. 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.
- B. 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.
- C. No handbill or flyer shall be left at, or attached to any of the property having a “no solicitor” sign.
- D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police (either by producing an identification card 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. (Ord. No. 2016-2904, 3/8/2016)