

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

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

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

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

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

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

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

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

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

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "*Original Package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

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

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

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

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

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Moline Acres without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:
 - B.1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.

- B.2. *Package liquor—non-intoxicating beer*: Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.
- B.3. *Package liquor—all kinds*: Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.
- B.4. *Liquor by the drink—malt liquor/light wine only*: Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (5) of this Section.
- B.5. *Liquor by the drink—non-intoxicating beer*: Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
- B.6. *Liquor by the drink—all kinds*: Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.
- B.7. *Common eating and drinking areas*: Sales of intoxicating liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- C. *Sunday Sales*. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 11:00 A.M. and Midnight:
- C.1. *Package liquor—all kinds*: Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.
- C.2. *Liquor by the drink—restaurant bar*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
- C.3. *Liquor by the drink—amusement place*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
- C.4. *Liquor by the drink—place of entertainment*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
- C.5. *Liquor by the drink—common eating and drinking area*: Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- D. *Permits*.
- D.1. *Temporary permit for sale by drink*. Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C), below, may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.

- D.2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section, above, may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

SECTION 600.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or Amusement Places.*
- B.1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- B.2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- C. *Temporary Permit For Sale By Drink—Certain Organizations.*
- C.1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

C.2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.

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C.3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

C.4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

D.1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays, and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.

D.2. When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *Number Of Licenses Limited.*

E.1. No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each six hundred (600) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.

E.2. No license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each five hundred (500) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States. Full-service grocery stores with at least five thousand (5,000) square feet of sales space shall not be restricted by the limits imposed in this Subparagraph (2) on issuance of liquor licenses. This Subparagraph (2) hereby makes a special exception for said full-service grocery stores.

E.3. *Determining the number of licenses allowed:* For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:

E.3.a. The issuance of a license as provided in Section 600.020 (B)(3) of this Chapter (Package liquor—all kinds), shall be counted as being commensurate with the issuance of one (1)

license for every subcategory of package liquor provided in Sections 600.020 (B)(1) and 600.020 (B)(2).

E.3.b. The issuance of a license as provided in Section 600.020 (B)(6) of this Chapter (Liquor by the drink—all kinds), shall be counted as being commensurate with the issuance of one (1)

license for every subcategory of liquor by the drink provided in Sections 600.020 (B)(4) and (B)(5).

F. *General License Regulations.*

F.1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

F.2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

F.3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership the Clerk, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

F.4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

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

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

computation of any merchant's license or ad valorem tax. (Ord. No. 468 §§3-4, 12-6-83; Ord. No. 838 §1, 9-9-03; Ord. No. 949 §1, 3-13-07)

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Alcoholic Beverages

SECTION 600.040: SCHEDULE OF LICENSE FEES

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

- .1. *General licenses.*
 - .1.a. Malt liquor—original package..... \$ 22.50
 - .1.b. Non-
intoxicating beer—original package 22.50
 - .1.c. Intoxicating liquor (all kinds)—original package..... 150.00
 - .1.d. Malt liquor and
light wines—by drink 52.50
 - .1.e. Non-
intoxicating beer—by drink..... 37.50
 - .1.f. Intoxicating liquor (all kinds)—by drink 450.00
 - .1.g. Common
eating and drinking places 450.00
- .2. *Sunday sales. (Additional fees)*
 - .2.a. Intoxicating liquor—original package 300.00
 - .2.b. Restaurant bars 300.00
 - .2.c. Amusement
places 300.00
 - .2.d. Common
eating and drinking places 300.00
 - .2.e. Liquor by the drink—charitable organizations..... 300.00
- .3. *Permits.*
 - .3.a. Temporary permit—by the drink for certain organizations (7 days max.)37.50
 - .3.b. Tasting permit
37.50

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

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each

application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.

- B. *Bond Requirements.* Each application for a license shall be accompanied by a bond, to be given to the City in the amount of two thousand dollars (\$2,000.00) with sufficient sureties, conditioned that the person obtaining such license shall at all times abide by the provisions of the Liquor Control Act of the State of Missouri, this Chapter and all other ordinances of the City. Only one (1) bond shall be required under this Section from any one (1) person and such bond shall, while in force, cover all licenses held by any one (1) applicant and all classes of sales carried on hereunder. Such bond may be sued on in the name of the City for the use and benefits of any person damaged by the breach of any of the conditions thereof.
- C. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Alderpersons also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- D. *Hearing On Application.* Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
- D.1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any school, church or other building regularly used as a place of worship unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school, or the consent in writing of the majority of the managing board of the church or place of worship; except that when a school, church or place of worship shall thereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.

D.2. The Board shall approve the application if after the hearing it finds that:

- D.2.a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
 - D.2.b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
 - D.2.c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
 - D.2.d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid; and
 - D.2.e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter.
- E. Upon approval of any application for a license the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
 - F. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (D) of this Section. (Ord. No. 183 §§10–11, 12-5-61)

SECTION 600.060: MINORS

- A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.*
 - A.1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
 - A.2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

A.3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all

sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

- B. *Sales To Minor—Exceptions.* No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
- C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*
- C.1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
- C.2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.
- D. *Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.* Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010 is in violation of this Section. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

SECTION 600.070: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

- C. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license

revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

- D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- E. *Off-Premises Consumption.*
- E.1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.
- E.2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor or non-intoxicating beer in any unsealed glass, bottle, can or other open container of any type.
- E.3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- G. *Drinking In Public Places Prohibited.*
- G.1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
- G.2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
- G.3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
- G.4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.
- H. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.

SECTION 600.080: ADMINISTRATION OF LAW—LICENSE SUSPENSION

- A. *Suspension Or Revocation Of License—When—Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
- B.1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
 - B.2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
 - B.3. Making a false affidavit in an application for a license under this Chapter;
 - B.4. Failing to keep an orderly place or house;
 - B.5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 - B.6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 - B.7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - B.7.a. Any person under the age of twenty-one (21) years,
 - B.7.b. Any person during unauthorized hours on the licensed premises,
 - B.7.c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - B.7.d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

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

SECTION 600.100: PENALTIES

Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

CHAPTER 605: BUSINESS REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 605.010: LICENSE REQUIRED

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

SECTION 605.020: LICENSE APPLICATION AND ISSUANCE

All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Alderpersons; provided however, that such license shall bear the signature of the Mayor of the Board of Alderpersons and the City Clerk; the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Alderpersons.

SECTION 605.025: LICENSE APPLICATION FEE

Any individual or business entity seeking a license to do business in the City of Moline Acres, Missouri shall complete an application for said license and pay an application fee of twenty-five dollars (\$25.00). The application shall be completed and the fee paid prior to any action by the Board of Alderpersons on the application. Ultimate denial of a business license shall not entitle the applicant to a refund of fees paid. (Ord. No. 938 §1, 3-14-06)

SECTION 605.030: LICENSE FEES

The license fees for the businesses and occupations herein enumerated shall be as follows:

Amusements and Recreation

Badminton courts	\$ 25.00 per year
Bowling lanes	15.00 per lane, per year
Boxing and sparring exhibitions	100.00 per day
Carnivals, circuses and shows for parade or exhibition, including exhibitions of animals, domestic or otherwise	100.00 per day
Dance halls, public	50.00 per year
Fortunetellers	250.00 per day
Golf—miniatures courses, driving tees	100.00 per year
Golf—regular courses	100.00 per year
Museums	150.00 per year

Parks—amusement	200.00 per year
Pistol galleries or pistol and rifle ranges	50.00 per year
Rides—pony, live	5.00 per day
Riding stables	100.00 per year
Skating rinks, ice and roller	200.00 per year
Swimming pools, public	100.00 per year

Amusements and Recreation (cont.)

Tables, billiard or pool	50.00 per table, per year
Theatres, including moving pictures	250.00 per year
Theatrical or other exhibitions	10.00 per day
Turkey shoots or other shooting contests	\$ 50.00 per day, shooting confined to the hours between 12:00 P.M. and dusk

Services

Agencies:

Advertising	\$ 60.00 per year
Claim	60.00 per year
Cleaning, dyeing and laundry	60.00 per year
Collection	100.00 per year
Detective (surety bond required in the sum of \$5,000.00 for faithful and honest conduct of business)	100.00 per year
Insurance (insurance agency and insurance brokerage)	60.00 per year
Real estate	60.00 per year
All other	60.00 per year
Animal shelters and kennels	100.00 per year
Automobile washing establishments:	
Mechanical	120.00 per year
Self-service	60.00 per year
Banks	500.00 per year
Barber shops	60.00 per year
Beauty parlors or hairdressers	60.00 per year
Blacksmith shops	25.00 per year
Brokerage houses, securities of all kinds	150.00 per year
Cleaning, dyeing and laundry plants	60.00 per year
Dancing and music schools, academies or dancing and music lessons	60.00 per year
Employment offices	60.00 per year
Express and delivery service	60.00 per year
Funeral homes (including ambulance service)	200.00 per year
Hospitals	500.00 per year
Insurance companies (home or branch offices)	300.00 per year
Insurance adjustment businesses	60.00 per year
Launderettes	60.00 per year
Lawn, landscaping, tree service and nursery	30.00 per year
Loan and finance companies or offices	300.00 per year
Moving and storage companies, regardless of warehouses	200.00 per year
Nurseries—child care	60.00 per year
Nursing homes and other institutions for the care of sick, aged or infirm	300.00 per year
Parking lots and public garages	120.00 per year
Pawnbrokers	150.00 per year

Printing plants and newspaper offices
Private schools or institutions
Real estate businesses

100.00 per year
60.00 per year
120.00 per year

Services (cont.)

Rental service:	
Auto and/or truck	\$ 200.00 per year
Trailer and all others	100.00 per year
Repair shops and services:	
Appliances	60.00 per year
Automobile	120.00 per year
Jewelry and watch	60.00 per year
Radio and television	60.00 per year
Shoe	60.00 per year
Upholstering and furniture	60.00 per year
All other	60.00 per year
Services, other—not specifically listed	60.00 per year
Telegraph companies	120.00 per year
Tin shops	60.00 per year
Warehouses	120.00 per year
Welding shops	60.00 per year
Woodworking and pattern shops	60.00 per year

Agents, Vendors and Salesmen

Door to door salesmen, solicitors and vendors, agents of all kinds and types operating within the City limits	\$ 60.00 per year
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Contractors

General contractors (one who sublets work, fee includes subcontractors)	\$120.00 per year
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Contractors:

Asphalt, brick, bridge, building, carpenter, cement and concrete, electrical, iron and steel, paint and paper hanging, plastering, plumbing, sewer, stone and marble, street and road building, sidewalks, steam fitting and others not specified shall each pay	\$ 60.00 per year
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Other Trades or Occupations by Individuals

Abstractors	\$ 25.00 per year
Artists or sign painters	25.00 per year
Auctioneers	25.00 per day
Bookbinders	25.00 per year
Brokers:	
Insurance	10.00 per year
Real estate	10.00 per year
Stocks and bonds	10.00 per year
Others not specified	10.00 per year
Canvassers, vendors and solicitors	1.00 per day, or

12.00 per year

***Other Trades or Occupations
by Individuals (cont.)***

Detectives, private (surety bond of \$2,000.00 required for faithful and honest conduct of business)	\$ 25.00 per year
Masseurs	25.00 per year
Opticians	25.00 per year
Photographers 25.00 per year	
Tailors	25.00 per year
Tinners or tinsmiths	25.00 per year
Title examiners	25.00 per year

Miscellaneous

Boarding houses, lodging houses and rooming houses	\$ 25.00 per room, per year
Bottling works 100.00 per year	
Buildings:	
Office	120.00 per year
Public	120.00 per year
Business office	60.00 per year
Halls, public	150.00 per year
Hotels or motels	25.00 per room, per year, 450.00 maximum
Machine shops 60.00 per year	
Sand, cement, gravel and asphalt plant	250.00 per year
Tanneries	500.00 per year
(Ord. No. 268 §3, 12-5-67; Ord. No. 278 §1, 12-3-68; Ord. No. 279 §1, 12-3-68)	

SECTION 605.040: ADMINISTRATIVE FEE FOR DELINQUENT LICENSES

There is hereby imposed an administrative fee of two hundred fifty dollars (\$250.00) for the pursuit, handling and processing of the issuance of any license, the application for which is delinquent under this Chapter.

SECTION 605.050: LICENSE NOT TRANSFERABLE

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the City, said licensee shall submit a statement of the fact of such change to the City Clerk, who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

SECTION 605.060: TERM OF LICENSE

The term of the licenses issued pursuant to the provisions of this Chapter shall be from January first (1st) of one (1) year to December thirty-first (31st) of the succeeding year. In the event any licensee hereunder shall commence business on or after January first (1st), the City Clerk shall issue such

license at the rate of one-half ($\frac{1}{2}$) of the license fee for such six (6) month period of January first (1st) to June thirtieth (30th), or fraction thereof.

SECTION 605.070: RENEWAL APPLICATIONS

All applications for renewal of a license provided for herein shall be filed no later than January first (1st) of each year.

SECTION 605.080: DISPLAY OF LICENSE

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

SECTION 605.090: EXCEPTED BUSINESSES AND OCCUPATIONS

The provisions of this Chapter shall under no circumstances be construed to require a license or a license fee for any business, occupation, pursuit or profession for which the City may be prohibited by law from licensing or requiring a fee for said license.

SECTION 605.095: RESTRICTING THE SALE OF GOODS WITHIN THE CITY

- A. It shall be unlawful for any individual or business to conduct the business of selling goods outside a structure, including, but not limited to, parking lots, sidewalks and public rights-of-way.
- B. Any violation of this Section shall result upon conviction in a fine of one dollar (\$1.00) up to one thousand dollars (\$1,000.00) and/or imprisonment for a term of up to ninety (90) days.
- C. This Section shall not apply to yard/garage sales approved by the Board of Aldermen. (Ord. No. 1014 §§1–3, 2-10-09)

SECTION 605.100: REVOCATION OF LICENSE—GROUNDS

Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Alderpersons for any of the following reasons, as well as for any other reasons specified in this Chapter:

1. Any failure to comply with, or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
2. Violation of the terms and conditions upon which the license was issued.

3. Failure of the licensee to pay any tax or obligation due to the City.
4. Any misrepresentation or false statement in the application for a license required herein.
5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

SECTION 605.110: REVOCATION OF LICENSE—PROCEDURE

In any case in which a complaint has been made to the Board of Alderpersons, or in which the Board of Alderpersons have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

1. The Board of Alderpersons shall set a date for a hearing to consider the question of revocation.
2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk, advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.
3. During the pendency of this hearing before the Board of Alderpersons, the licensee shall be permitted to continue the operation of his/her business.
4. At the hearing set by the Board of Alderpersons, the Board of Alderpersons shall hear all relevant and material evidence justifying the retention of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the Board of Alderpersons shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the Board of Alderpersons shall be necessary to revoke any license.

SECTION 605.120: PENALTY AND DELINQUENCY

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter, or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on, or engage in, or attempt to carry on or engage in, any of the businesses for which a license is required in this Chapter in the City of Moline Acres, without first paying the tax herein levied, and obtaining a license therefor, shall, upon conviction, be deemed guilty of an ordinance violation and shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

SECTION 605.130: HOURS SOLICITATION IS PROHIBITED

Solicitation or selling from door to door and from the streets, within the City of Moline Acres, is hereby expressly prohibited after 8:00 P.M., C.D.S.T. or C.S.T., according to whichever time is then in effect. (Ord. No. 268 §8, 12-5-67)

ARTICLE II. AMUSEMENT DEVICES**SECTION 605.140: DEFINITIONS**

Definitions of terms as used in this Article, unless the context otherwise indicates:

AMUSEMENT TABLE: Any machine or device which, upon the insertion of a coin, slug, token, plate or disc, or by the payment of any price or fee, may be operated by the public generally by manipulating special equipment whereby a score is established, the object of which is to score a special number or numbers, or a high total score, whether a prize is offered or not, when the element of skill in such manipulation predominates over chance or luck. It shall include the games of shuffleboard and so-called table pool, billiards, bumper-pool, bowling table, and any other similar table games.

JUKE BOX: Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

MECHANICAL AMUSEMENT DEVICE: Any machine which, upon the insertion of a coin, slug, token, plate or disc, or by the payment of any price, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

MERCHANDISE VENDING MACHINE: Any automatic vending machine used for the sale of cigarettes, cigars, food, drink, confections, products or merchandise and controlled by the insertion of a coin or coins.

PERSON, FIRM, CORPORATION OR ASSOCIATION: Includes any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine, provided however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this Section of this Article. (Ord. No. 242 §1, 8-3-65)

SECTION 605.150: LICENSE REQUIRED

Any person, firm, corporation or association displaying for public patronage or keeping for operation any merchandise vending machines, juke box or mechanical amusement device as herein defined by Section 605.140 shall be required to obtain a license from the City of Moline Acres upon payment of a license fee to the City Clerk of the City of Moline Acres. Application for such license shall be made to the City Clerk upon a form to be supplied by the City Clerk for that purpose. (Ord. No. 242 §3, 8-3-65)

SECTION 605.160: APPLICATION

- A. The application for such license shall contain the following information:
- A.1. Name and address of the applicant, age, date and place of birth.
 - A.2. Prior convictions of applicant, if any.
 - A.3. Place where machine or device is to be displayed or operated and the business conducted at that place.
 - A.4. Description of machine to be covered by the license, mechanical features, name of manufacturer, serial number.
- B. No license shall be issued to any applicant unless he/she shall be over twenty-one (21) years of age and a citizen of the United States. (Ord. No. 242 §4, 8-3-65)

SECTION 605.170: INSPECTION

Application for license shall be made out in duplicate, one (1) copy being referred to the Board of

Alderspersons who shall thereafter designate a suitable person as inspector to investigate the location where it is proposed to operate such machine, to ascertain if the applicant is a person of good moral character, and to report back to the Board of Alderspersons and recommend either approval or disapproval of the application, and the other copy to be retained on file by the City Clerk with the official records of the City of Moline Acres. The inspector so designated by the Board of Alderspersons shall also determine if the same complies with the Electrical Code of the City of Moline Acres and shall recommend to the Board of Alderspersons either approval or disapproval of the application from that standpoint. (Ord. No. 242 §5, 8-3-65)

SECTION 605.180: ANNUAL LICENSE FEE--TERM OF LICENSE

- A. Every applicant before being granted a license shall pay the following annual license fee for the privilege of operating or maintaining for operation each merchandise vending machine, juke box, mechanical amusement device or amusement table, all as defined in Section 605.140.

Vending machines on items selling for one cent (\$0.01) or less	\$1.00
Vending machines on items selling for two cents (\$0.02) up to five cents (\$0.05) inclusive	5.00
Vending machines on items selling for six cents (\$0.06) or more	10.00
Juke box	10.00
Mechanical amusement device	50.00
Amusement table	10.00

- B. Each license shall expire by limitation on December thirty-first (31st) of the year of its issue. For all licenses issued after the thirty-first (31st) day of March there shall be paid three-fourths (¾) of the annual license fee herein provided; for all licenses issued after the thirtieth (30th) day of June there shall be paid one-half (½) of the annual license fee herein provided. A separate license shall be required for each machine aforementioned. Following the adoption of this Article, each person, firm, corporation or association requiring licenses as described in this Article shall file their application and secure their licenses no later than September 30, 1965, for the license year of 1965. For the remainder of the year 1965 only, one-fourth (¼) of the annual license fee shall be due for each license to be issued. (Ord. No. 242 §6, 8-3-65; Ord. No. 267 §1, 12-5-67)

SECTION 605.190: DISPLAY OF LICENSE

- A. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

- B. Such license may be transferred from one (1) machine or device to another similar machine upon application to the City Clerk to such effect and the giving of a description and serial number of the new machine or device. Not more than one (1) machine shall be operated under one (1) license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him/her.

- C. If the licensee shall move his/her place of business to another location within the City of Moline Acres, the license may be transferred to such new location upon application to the City Clerk, giving the street and number of the new location. The new location shall be approved by a suitable person appointed by the Board of Alderpersons as an inspector and upon report by such person to the Board of Alderpersons who shall give their final approval or disapproval of such new location in the same manner as hereinbefore provided. (Ord. No. 242 §7, 8-3-65)

SECTION 605.200: PROHIBITIONS AND RESTRICTIONS

- A. No person, firm, corporation or association holding a license under this Article shall permit persons under seventeen (17) years of age to play or operate any mechanical amusement device, as defined in Section 605.140 of this Article.
- B. No person, firm or corporation shall permit the playing of mechanical amusement devices within three hundred (300) feet of any church, public or parochial school or playground, unless a special permit shall first be issued by the Board of Alderpersons permitting the same. (Ord. No. 242 §8, 8-3-65)

SECTION 605.210: REVOCATION OF LICENSE

Every license issued under this Article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any merchandise vending machine, juke box, mechanical amusement device or amusement table contrary to the provisions of this Article, the ordinances of the City of Moline Acres, or the law of the State of Missouri. Said license may be revoked by the Board of Alderpersons after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged if after a hearing the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing shall be given the licensee. At such hearing the licensee and his/her attorney may present and submit evidence of witnesses in his/her defense. (Ord. No. 242 §9, 8-3-65)

SECTION 605.220: PENALTY

Any person, firm, corporation or association violating any of the provisions of this Article, in addition to the revocation of license, shall be liable to a fine or penalty of not more than one thousand dollars (\$1,000.00) for each such offense. (Ord. No. 242 §10, 8-3-65)

ARTICLE III. GARAGE SALES

SECTION 605.230: GARAGE SALE REGULATIONS

Real property owners or renters in the City of Moline Acres may conduct garage sales for the sale of their own personal property in the garage or driveway or patio on the real property owned or rented by them in the City of Moline Acres during daylight hours only for not more than two (2)

consecutive days, but in no event not more than twice per year and each time for not more than two (2) consecutive days. A garage sale is for the purpose of disposing of surplus household items such as clothing, tools or furniture accumulated at that address over a period of time. (Ord. No. 454 §1, 12-2-81)

§ 605.240

Moline Acres City Code

§ 605.280

SECTION 605.240: PERMIT REQUIRED

Before conducting any such garage sale as provided in Section 605.230 hereof, a permit must be obtained from the City of Moline Acres. Such permit shall specify the date such garage sale shall commence and end, but not exceeding two (2) consecutive days. No charge shall be made for such garage sale permit. No advertising of a garage sale shall be made prior to obtaining such garage sale permit. This Section shall not go into effect until October 1, 1982. (Ord. No. 454 §2, 12-2-81)

SECTION 605.250: PROVISIONS NOT TO VIOLATE ZONING LAWS

Nothing in this Article shall be construed as permitting any commercial activity in violation of the zoning laws of the City of Moline Acres. (Ord. No. 454 §3, 12-2-81)

SECTION 605.260: PENALTY FOR VIOLATION

Any person violating any of the provisions of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to a fine not exceeding fifty dollars (\$50.00). (Ord. No. 454 §4, 12-2-81)

ARTICLE IV. REAL ESTATE AGENTS

SECTION 605.270: DEFINING REAL ESTATE AGENT OR BROKER

When used in this Article, the following term shall have the prescribed meaning:

REAL ESTATE AGENT OR BROKER: A real estate agent or broker is defined as any person:

- .1. Who for a valuable consideration shall act or offer to act as agent for any person for the purpose of buying, selling, leasing, appraising, exchanging, renting, receiving or collecting rent of any real estate or interest therein or improvements thereon;
- .2. Who for a valuable consideration, loans or offers to loan monies as agent for another or any real estate or interest therein or improvements thereon; or
- .3. Who shall advertise by sign or otherwise or hold himself/herself out as agent for any of the aforementioned purposes. (Ord. No. 502 §1, 10-8-85)

SECTION 605.280: REQUIRING ALL PERSONS TO REGISTER WITH THE CITY CLERK THE PROPERTY SOUGHT TO BE SOLD, RENTED, LEASED, EXCHANGED OR TRANSFERRED

No person shall sell, rent, lease, exchange or transfer any property located within the City of Moline Acres, whether it be commercial or residential without first registering with the City Clerk at the City of Moline Acres, giving his/her name and the name of the person (if any) for whom he/she is

acting as agent or broker and the address of the property to be sold, rented, leased, exchanged or transferred. (Ord. No. 502 §2, 10-8-85)

SECTION 605.290: REGISTRANT TO COMPLY WITH THE ZONING ORDINANCE

- A. At the time of registration, the Clerk of the City of Moline Acres or his/her designated representative shall advise the registrant of the fact that a zoning ordinance is in effect in the City of Moline Acres and that the ordinance does require issuance of an occupancy permit to any person to whom ownership or interest in real property and improvements thereon is transferred.
- B. The registrant shall indicate in the registration journal that these provisions have been explained to him/her and that he/she understands the applicable provisions of the zoning ordinance and will comply with its requirements. (Ord. No. 502 §3, 10-8-85)

SECTION 605.300: PENALTIES FOR VIOLATION

Any person, firm or corporation violating provisions of this Article shall upon conviction thereof be punished by a fine of not more than one thousand dollars (\$1,000.00). (Ord. No. 502 §4, 10-8-85)

ARTICLE V. GO-CART ESTABLISHMENTS

SECTION 605.310: PROHIBITED—WHERE

- A. Go-cart operations shall be prohibited in Commercial-3 (C-3) zoned areas.
- B. The City shall not issue any business license to any person or entity who seeks to open a go-cart ride establishment in a "C-3" zoned area within the City of Moline Acres. (Ord. No. 913 §§1–2, 5-10-05)

ARTICLE VI. CELLULAR ANTENNA TOWERS

AND

TELECOMMUNICATIONS SERVICES

SECTION 605.320: PURPOSE

The purposes of these regulations are:

- .1. To provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; and
- .2. To allow for such facilities with the intention of fathering the public health, safety and general welfare. (Ord. No. 927 §1, 10-11-05)

SECTION 605.330: DEFINITIONS

For the purposes of these regulations, the following definitions shall apply:

ANTENNAS OR RELATED EQUIPMENT: Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

CELLULAR ANTENNA TOWER: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

CELLULAR TELECOMMUNICATIONS SERVICE: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower or other applicable structure.

UNIFORM APPLICATION: An application to construct a cellular antenna tower submitted to the City's Planning Commission. (Ord. No. 927 §1, 10-11-05)

SECTION 605.340: GENERALLY

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after review by the Planning Commission. (Ord. No. 927 §1, 10-11-05)

SECTION 605.350: APPLICABILITY

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the Planning Commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure (co-location). (Ord. No. 927 §1, 10-11-05)

SECTION 605.360: APPLICATION–REQUIREMENTS

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

- .1. The full name and address of the applicant.
- .2. The applicant's articles of incorporation, if applicable.
- .3. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
- .4. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- .5. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Missouri.

- .6. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

- .7. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed has been:
 - .7.a. Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction.
 - .7.b. Given the telephone number and address of the local Planning Commission; and
 - .7.c. Informed of his or her right to participate in the Planning Commission's proceedings on the application.
- .8. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- .9. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved.
- .10. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
- .11. A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located. (Ord. No. 927 §1, 10-11-05)

SECTION 605.370: APPLICATION—FEE

An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of two thousand five hundred dollars (\$2,500.00) upon submission of a uniform application. This fee includes review of the Planning Commission based upon the required development plan. Applications for co-location of antenna(e) on an existing structure shall pay an application fee in the amount of two hundred fifty dollars (\$250.00). (Ord. No. 927 §1, 10-11-05)

SECTION 605.380: APPLICATION—PROCESSING

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

- .1. Cellular antenna towers shall not be illuminated, except in accordance with other State or Federal regulations.

- .2. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center. The Board of Alderpersons may increase the distance between plantings based on the type (species) of evergreen tree and its growth characteristics. The screening shall be placed in an area between the property line or lease line and a ten (10) foot setback. A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
- .3. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions or signs which are required by a Federal, State or local agency. Such signs shall not exceed five (5) square feet in area
- .4. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
- .5. Any applicant who receives final approval of its application for construction for a cellular tower shall also be assessed an annual license fee of five thousand dollars (\$5,000.00) payable to the City of Moline Acres, Missouri. Said payment shall be made on or before the anniversary of said approval.
- .6. Any wireless company that seeks to add onto any existing cellular tower shall also be assessed an annual license fee of five thousand dollars (\$5,000.00). (Ord. No. 927 §1, 10-11-05)

ARTICLE VII. MERCHANT'S LICENSE

SECTION 605.390: LICENSE REQUIRED

It shall be unlawful for a merchant as defined in this Article to engage in such business or occupation within the City of Moline Acres without first obtaining a license therefore in compliance with the provisions of this Article. (Ord. No. 997 §1, 5-13-08)

SECTION 605.400: LICENSE DEFINITION

The term "merchant", as used in this Article, shall include every person who shall deal in the selling of any goods, wares, merchandise or personal property of any description, or the rendering of any service in connection therewith, at any store, stand or place within the City of Moline Acres, except as is or may be otherwise provided by ordinance. (Ord. No. 997 §2, 5-13-08)

SECTION 605.410: LICENSE APPLICATION

Applicants for license under this Article, whether a person, firm or corporation, shall file a written sworn application, signed by the applicant if an individual, by all partners if a partnership and by the president or other duly authorized officer if a corporation with the City Clerk showing:

- .1. The name or names of the person or persons having the management or supervision of applicant's business that it is proposed will be carried on in the City of Moline Acres; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons

will act, that is, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; if a corporation, under the laws of what State the same is incorporated;

- .2. The place or places in the City of Moline Acres where it is proposed to carry on applicant's business;
- .3. A statement of the nature, character and quality of goods, wares or merchandise to be sold or offered for sale by applicant in the City of Moline Acres;
- .4. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such events and the punishment assessed therefore; and
- .5. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or method or plan of doing business, as the City Clerk may deem proper to fulfill the purpose of this Article in the protection of the public welfare. (Ord. No. 997 §3, 5-13-08)

SECTION 605.420: LICENSE ISSUANCE

Upon receipt of such application the Police Chief shall cause such investigation of such person's business responsibility or moral character to be made as he deems necessary for the protection of the public welfare. If as a result of such investigation the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied, subject to the applicant's right to have any denial reviewed by the Board of Alderpersons. If as a result of the investigation the character and business reputation appear to be satisfactory, the City Clerk shall so certify in writing and a license shall be issued by the City Clerk; provided however, that the license may be revoked at any time by the Board of Alderpersons if it finds that the applicant's character or business responsibility are in fact unsatisfactory. The City Clerk shall keep a full record in his office of all licenses issued. Such license and record thereof shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license and the name or names of the person or persons authorized to carry on the same. (Ord. No. 997 §4, 5-13-08)

SECTION 605.430: DISPLAY OF LICENSE

Every license issued under this Article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one (1) place within the City, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business. No license under the provisions hereof shall be assignable or transferable. (Ord. No. 997 §5, 5-13-08)

SECTION 605.440: LICENSE FEE

Licensees shall pay a fee based upon the gross amount of sales by such licensee and it shall be computed at the rate of one dollar (\$1.00) for each one hundred dollars (\$100.00) or fractional part thereof of gross sales. Every person conducting a business licensed under this Article shall, on the

last business day of January, April, July and October and upon discontinuance of business in the City of Moline Acres, present to the City Clerk, at the City Hall, a verified statement showing the total sales made during each quarter and shall pay to the City the amount of license fee hereinbefore provided for sales made during the previous calendar months. The City Clerk and any other officer designated by him shall have power and authority to enter any store, building or any other place in which such business may be conducted, at any time during business hours, for ascertaining the amount of sales made and shall at all times have access to the books of such business. (Ord. No. 975 §1, 12-11-07; Ord. No. 997 §6, 5-13-08)

SECTION 605.450: REVOCATION OF LICENSE—GROUNDS

Any license issued pursuant to this Article may be revoked by the Board of Alderpersons of the City of Moline Acres after notice and hearing for any of the following causes:

- .1. Any fraud, misrepresentation or false statement contained in the application for license;
- .2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, ware or merchandise;
- .3. Any violation of this Article;
- .4. Conviction of the licensee of any felony or misdemeanor involving moral turpitude; or
- .5. Conducting the business licensed under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. No. 997 §7, 5-13-08)

SECTION 605.460: REVOCATION OF LICENSE—PROCEDURE

Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing. (Ord. No. 997 §8, 5-13-08)

SECTION 605.470: LICENSE EXPIRATION

All licenses issued under the provisions of this Article shall expire one (1) year after the date of issuance thereof, unless a prior date is fixed herein. (Ord. No. 997 §9, 5-13-08)

SECTION 605.480: PENALTY

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine of not less than one dollar (\$1.00) nor more than one thousand dollars

(\$1,000.00) and each day of continued violation shall be deemed a separate offense. (Ord. No. 997 §10, 5-13-08)

UTILITY SERVICES

CHAPTER 610: BUSINESSES SUPPLYING

SERVICE OR POWER,

SERVICE,

SERVICE

ARTICLE I. ELECTRICITY OR ELECTRICAL

GAS OR GAS SERVICE, WATER OR WATER

COMMUNITY ANTENNA TELEVISION

SECTION 610.010: LICENSE TAX REQUIRED—AMOUNT

There is hereby levied upon all persons, firms or corporations, now or hereafter engaged in the business of furnishing or supplying electricity, electrical service or power, gas or gas services, water or water service, or community antenna television service, within the City of Moline Acres, a quarterly license or occupational tax amounting to the sum of five percent (5%) of the quarterly gross receipts derived from the carrying on of such business within the City, said quarterly tax to be payable in quarterly installments as provided hereinafter in Section 610.030 of this Article. (Ord. No. 307 §§1–2, 6-2-71; Ord. No. 319, 1-10-72)

SECTION 610.020: GROSS RECEIPTS DEFINED

As used in this Section, the following term shall have the prescribed meaning:

GROSS RECEIPTS: The aggregate amount of all sales and charges of the commodities or services herein described in the City of Moline Acres during any period, less discounts, credits, refunds, sales taxes, and uncollectible accounts actually charged off. (Ord. No. 459 §1, 8-10-82)

SECTION 610.030: STATEMENT—TAX PAYMENT

It shall be the duty of every person, firm or corporation engaged in any business described in this Article, hereinabove set forth, to file with the City Collector of the City of Moline Acres:

- .1. On or before the thirtieth (30th) day after the expiration of each calendar quarter (i.e. thirty (30) or fewer days after March thirty-first (31st), June thirtieth (30th), September thirtieth (30th) and December thirty-first (31st) a sworn statement showing the gross receipts derived from the transaction of such business in the City during the previous calendar quarter, and at such time to pay to the City Collector the tax thereon as hereinabove set forth.
- .2. The sole exception to the procedure described above is this: For the period of January 1, 1971 through June 30, 1971, each person, firm or corporation subject to this tax shall file, on or before July 31, 1971, a sworn statement showing gross receipts, as described hereinbefore, together with a tax payment computed at the rate of five percent (5%) of the said gross receipts for the period of January 1, 1971 through June 30, 1971.

- .3. Thereafter, the quarterly sworn statement of gross receipts derived from said business in this City shall be filed as described in Subsection (1) and, at the time of filing the statement of gross receipts, the taxpayer shall pay to the City Collector the tax on the gross receipts as hereinbefore set forth in Subsection (1). Upon the filing of the statement of gross receipts and payment of the tax on the gross receipts, a license shall be issued for the current quarter of the calendar year only. (Ord. No. 307 §3, 6-2-71)

SECTION 610.040: AUTHORIZATION OF CITY COLLECTOR

The City Collector or any auditor employed by the City of Moline Acres shall be and is hereby authorized to investigate the correctness and accuracy of the statement so filed as provided for in Section 610.010 of this Article and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person or company making such return in order to ascertain the accuracy thereof. (Ord. No. 307 §5, 6-2-71)

SECTION 610.050: TAX IN LIEU OF OTHER OCCUPATIONAL TAX

The tax herein required to be paid shall be in lieu of any other occupational or license tax required of any person, firm or corporation engaged in any of the businesses described in this Article, but nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, firm or corporation nor the tax required of merchants or manufacturers, if any, for the sale of anything other than the commodity or service herein specified, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any tax which may be lawfully required other than an occupational or license tax. (Ord. No. 307 §6, 6-2-71)

SECTION 610.060: PENALTY FOR VIOLATION

Any person, firm or corporation engaged in any business to which this Article applies who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars (\$1,000.00) for each such offense and every day such violation continues shall be deemed a separate offense. (Ord. No. 307 §7, 6-2-71)

ARTICLE II. EXCHANGE TELEPHONE

SERVICE

SECTION 610.070: LICENSE TAX REQUIRED—AMOUNT

Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service within the City of Moline Acres shall pay to said City a license or occupational tax amounting to five percent (5%) of the gross receipts derived from such business within the City. (Ord. No. 319 §1, 1-10-72)

SECTION 610.080: STATEMENT—TAX PAYMENT

All such persons, firms, companies or corporations described in Section 610.070 hereof shall file with the City Collector of the City of Moline Acres:

- .1. On February 1, 1972, a verified statement of gross receipts of such persons, firms, companies or corporations derived from exchange telephone service from January 1, 1971 to December 31, 1971. Payment of such tax so stated shall be made on the first (1st) day of February, 1972 and such payment shall be for a license to operate for a three (3) month period beginning January 1, 1972 and ending March 31, 1972.

§ 610.080

Businesses Supplying Utility Services

§ 610.120

- .2. Thereafter, such statements and payments shall be due and made on the last day of April, July, October and January for the gross receipts derived from exchange telephone service during the preceding calendar quarter. Such payments shall be for a license to operate for the calendar quarter in which the payment is made. (Ord. No. 319 §2, 1-10-72)

SECTION 610.090: AUTHORITY OF CITY COLLECTOR

The City Collector or any auditor employed by the City of Moline Acres shall be and is hereby authorized to investigate the correctness and accuracy of the statement so filed as provided for in Section 610.070 of this Article and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person or company making such return in order to ascertain the accuracy thereof. (Ord. No. 319 §5, 1-10-72)

SECTION 610.100: TAX IN LIEU OF OTHER OCCUPATIONAL TAX

The tax herein required to be paid shall be in lieu of any other occupational or license tax required of any person, firm, company or corporation engaged in any of the businesses described in this Article, but nothing herein contained shall be so construed as to exempt any such person, firm, company or corporation from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, firm, company or corporation nor the tax required of merchants or manufacturers, if any, for the sale of anything other than the commodity or service herein specified, nor shall the tax herein required exempt any such person, firm, company or corporation from the payment of any tax which may be lawfully required other than an occupational or license tax. (Ord. No. 319 §6, 1-10-72)

SECTION 610.110: PENALTY FOR VIOLATION

Any person, firm, company or corporation engaged in any business to which this Article applies who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars (\$1,000.00) for each such offense and every day such violation continues shall be deemed a separate offense. (Ord. No. 319 §7, 1-10-72)

ARTICLE III. LICENSE TAX MAINTAINED

SECTION 610.120: LICENSE TAX MAINTAINED

In accord with the authority granted to the City of Moline Acres, Missouri, under Section 393.275.2, RSMo., the rate of the license or occupational tax for each public utility providing services within the City of Moline Acres, which tax was previously established by law at the rate of five percent (5%) of the gross receipts of each said utility derived from business within the City of Moline Acres, is hereby maintained at the aforesaid rate. (Ord. No. 512 §1, 5-13-86)

§ 610.130

Moline Acres City Code

§ 610.140

ARTICLE IV. MISCELLANEOUS BUSINESS

REGULATIONS

SECTION 610.130: NOTIFICATION TO CITY OF CHANGE OF USER OF ELECTRIC SERVICE

- A. For any month when there is a change of user of residential (rate 001) or non-residential (rate 043) electric service within the City, AmerenUE Company shall notify the Code Enforcement Officer (or other appropriate official) of the City in writing within seven (7) working days after the end of the month of said changes, indicating the address and/or apartment or unit number whose name service connected or billed.
- B. AmerenUE Company shall submit annually to the City an invoice for its costs associated with this Section. The initial cost of this service shall not exceed one hundred fifty dollars (\$150.00). Future price increases, if any, will only reflect the actual cost incurred by AmerenUE Company to provide the service. The City shall pay to AmerenUE Company the amount of the invoice within thirty (30) days of receipt. (Ord. No. 725 §§I–II, 9-22-99)

SECTION 610.140: UTILITY TAX REFUND

There is hereby established a utility tax refund in the amount of twenty dollars (\$20.00) to be paid to residents sixty-two (62) years of age and older for utility taxes paid in the calendar year 2006 and thereafter with the following conditions:

- .1. There shall be only one (1) refund per household and shall go to the first (1st) qualified candidate to apply;
- .2. Applicant shall make demand for refund no later than April thirtieth (30th) for the preceding year. Failure to make application timely shall serve as a disqualification;
- .3. Applicant must show proof of residency; and
- .4. Applicant's name must appear on the occupancy permit issued by the City. (Ord. No. 705 §§1–2, 5-17-99; Ord. No. 952 §1, 3-13-07)

CHAPTER 615: CABLE TELEVISION SYSTEMS

Editor's Note—Ord. no. 443, and any amendments thereto, which sets out the city's cable television regulations is on file in the city offices.

