

## Chapter 85 -- Telephone Service Tax

85.010. Definitions. When used in this Chapter, unless the context otherwise requires, the following terms in their derivative shall have the meaning herein given:

1. "City" means the City of Holts Summit, Missouri, and when this Chapter refers to action to be taken by the "City," the same shall mean action by the governing body of the City of Holts Summit, Missouri.

2. "Board" means the Board of Aldermen or other governing body of the City.

3. "License Tax Area" means that area within the corporate limits of the City as now or hereafter constituted.

4. "Provider" means any natural person, company, or entity of any kind providing telephone service for profit..

5. "Telephone Service" means all communication services including but not limited to telegraph, teletype, landline, satellite telephone, mobile telephones, pager services, regardless of the supplier, except cable TV systems.

85.020. Telephone Service Tax. Every provider engaged in the business of supplying telephone service in the city for compensation for any purpose shall pay to the city a license tax in an amount equal to five (5) percent of the annual gross revenue received by such provider for local service from telephones located within the city limits. Such tax shall be paid in arrears no later than the first day of January, April, July, and October of each year. The tax required to be paid by this section shall be in lieu of any other occupation tax otherwise required.

85.030. Rates. The rates to be charged by the provider engaged in the business of supplying telephone service in the City shall be those permitted by the Missouri Public Service Commission, or any other state or local governmental agency charged by law with the power to regulate public utilities *and/or telephone service*..

85.040. Regulations.

1. There is hereby granted to providers the nonexclusive right to operate a telephone system within the City and to acquire, construct, and maintain all the necessary poles, wires, cable, pole and wire fixtures, telephone plant, and telephone apparatus of whatsoever nature for the purpose of conducting such business (except towers); to erect and maintain such telephone poles and string the same with wire and cable along the streets, avenues, boulevards, alleys, and other public places of the City; and to construct or lay and maintain such conduits as may be required, under the streets, avenues, boulevards, alleys, and other public places for the purpose of such business under the terms and restrictions as contained in the Holts Summit City Code.

2. All poles and overhead wires, cable or towers erected under this Chapter shall be placed, whether on streets, avenues, boulevards, alleys, or other public places, as not to interfere unnecessarily with ordinary travel on such streets, avenues, boulevards, alleys, or other public places. All poles erected under this Chapter shall be so located as not to injure unnecessarily any drains, sewers, catch basins, or other like public improvements, and said providers shall forthwith repair any damages so caused to the satisfaction of the City Maintenance Superintendent or his authorized representative, and in default thereof, said City may repair such damage and charge the cost thereof to, and collect the same from said providers.

3. All work of locating and erecting poles or placing underground conduit under and by virtue of this Chapter, shall be done with the cooperation of the City Maintenance Superintendent or his authorized representative, except where buried conduit systems have been permanently installed where cost for removal shall be borne equally.

4. Said providers shall remove, raze, or adjust its aerial plant after forty-eight (48) hours notice by the City Maintenance Superintendent or his authorized representative, for the purpose of permitting the moving of houses, or other structures, along the streets of said City; however, the provider or providers for whose benefit such plant is removed, razed, or adjusted, shall first secure proper permission from said City for the moving and agree to pay said providers for its related costs and damages. If desired, an advance deposit by the mover may be required by the providers.

5. Permission is hereby granted to the provider to trim trees upon and overhanging streets, alleys, sidewalks, and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the providers, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated.

6. The providers shall hold the City of Holts Summit free and harmless from all damages and shall be responsible for any damage they cause to private property.

85.050. Disposition of Revenue. All funds received from the tax imposed by this article shall be deposited in the general revenue fund and be appropriated by the Board of Aldermen in the annual city budget.

85.060. Penalty. Any provider violating this provision shall be subject to a fine of not more than five hundred dollars (\$500). Each day the violation continues shall constitute a separate offense.