



INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE REVISING SECTION 7.5-39 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN REGARDING RIGHT-OF-WAY USAGE FEES

WHEREAS, Section 670.160 of the Code of Ordinances establishes provisions regarding rights-of-way; and

WHEREAS, the Missouri Legislature has enacted changes in related Statutes (HB1991 (2018)); and

WHEREAS, the Board of Aldermen has determined that the Code should be revised consistent with such changes in State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 7.5-39, Use Fees, is hereby revised as follows:

- **Sec. 7.5-39. - Use fees.**

Licensee shall pay to the city as monthly compensation for the use of the rights-of-way pursuant to an executed agreement a use fee equal to five percent of monthly gross receipts, but in no event shall the monthly use fee be less than the sum of:

\$5,000.00 for the first mile of linear facilities, or part thereof, plus \$1.90 per linear foot thereafter up to a monthly charge under this subsection of \$30,000.00, and

\$65.00 for each antenna in the rights-of-way, but not less than \$1,000.00.

As provided in Section 67.1846 RSMo., no licensee shall be obligated to pay such Use Fee if such person pays to the City gross receipts taxes, business license fees or business license taxes that are more than nominal and that are imposed specifically on communications-related revenues, services or equipment.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.



Bill No. 3998

PASSED this _____ day of _____, 2018.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2018.

TIM POGUE, MAYOR

ATTEST: _____
ERIC HANSON, CITY ADMINISTRATOR