

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

**1st READING 11/14/2023
2nd READING 12/12/2023**

**BILL NO. 23-28
ORDINANCE NO. 798**

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 645: VIDEO SERVICE PROVIDERS, ARTICLE II: VIDEO SERVICE REGULATIONS, REGARDING GROSS REVENUES AND VIDEO SERVICE PROVIDER FEES

WHEREAS, the City of Normandy previously adopted Chapter 645, Article II of the City Code in 2007 relating to video service providers after the Missouri legislature adopted §§ 67.2675 through 67.2714, which is known as the 2007 Video Services Providers Act (“Video Services Providers Act”); and

WHEREAS, the Missouri General Assembly enacted Senate Bill 153 during the 2021 Legislative Session, which amended certain provisions of the Video Service Providers Act, including certain amendments that go into effect on August 28, 2023; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to amend its ordinances regarding video service providers to be consistent with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMANDY, MISSOURI, AS FOLLOWS:

Section 1

Chapter 645: Video Service Providers, Article II: Video Service Regulations, Section 645.020: Definitions of the Code of Ordinances of the City of Normandy is hereby amended to read as follows:

CHAPTER 645	VIDEO SERVICE PROVIDERS
ARTICLE II	VIDEO SERVICE REGULATIONS
Section 645.020	Definitions

The following terms shall have the following meanings unless otherwise defined by context:

FRANCHISE AREA

The total geographic area of the City authorized to be served by an incumbent cable television operator or incumbent local exchange carrier or affiliate thereof.

GROSS REVENUES

The total amounts billed to subscribers or received from advertisers for the provision of video services within the City, including:

1. Recurring charges for video service; and
2. Event-based charges for video service including, but not limited to, pay-per-view and video-on-demand charges.
3. Gross revenues do not include:

- a. Discounts, refunds, and other price adjustments that reduce the amount of compensation received by a video service provider;
- b. Uncollectibles;
- c. Late payment fees;
- d. Amounts billed to subscribers to recover taxes, fees, or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein;
- e. Fees or other contributions for PEG or I-Net support;
- f. Charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means;
- g. Rental of set-top boxes and other video service equipment;
- h. Service charges related to the provision of video service including, but not limited to, activation, installation, repair, and maintenance charges;
- i. Administrative charges related to the provision of video service including, but not limited to, service order and service termination charges; or
- j. A pro rata portion of all revenue derived, less refunds, rebates, or discounts.

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

HOUSEHOLD

An apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.

LOW-INCOME HOUSEHOLD

A household with an average annual household income of less than thirty-five thousand dollars (\$35,000.00) as determined by the most recent decennial census.

PERSON

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

SUBSCRIBER

Any person who receives video services in the franchise area.

VIDEO SERVICE

The provision of video programming provided through wireline facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on-demand or a per channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d) or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail or other services offered over the public Internet.

VIDEO SERVICE AUTHORIZATION

The right of a video service provider or an incumbent cable operator that secures permission from the Missouri Public Service Commission pursuant to Sections 67.2675 to 67.2714, RSMo., to offer video service to subscribers.

VIDEO SERVICE NETWORK

Wireline facilities or any component thereof that deliver video service, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "video service network" shall include cable television systems.

VIDEO SERVICE PROVIDER FEE

The fee imposed under Section **645.040** hereof.

VIDEO SERVICE PROVIDER OR PROVIDER

Any person authorized to distribute video service through a video service network pursuant to a video service authorization.

Section 2

Chapter 645: Video Service Providers, Article II: Video Service Regulations, Section 645.040: Video Service Provider Fee of the Code of Ordinances of the City of Normandy is hereby amended to read as follows:

CHAPTER 645

VIDEO SERVICE PROVIDERS

ARTICLE II

VIDEO SERVICE REGULATIONS

Section 645.040

Video Service Provider Fee

- A. Each video service provider shall pay to the City a video service provider fee in the amount of four and one-half percent (4.5%) of the provider's gross revenues charged to each customer of a video service provider on or before the last day of the month following the end of each calendar quarter, provided that, effective August 28, 2024, the video service provider fee shall be reduced to four percent (4%) of the video service provider's gross revenues. Beginning August 28, 2025, the video service provider fee shall be reduced to three and one-half percent (3.5%) of the video service provider's gross revenues. Beginning August 28, 2026, the video service provider fee shall be reduced to three percent (3%) of the video service provider's gross revenues. Beginning August 28, 2027, the video service provider fee shall be reduced to two and one-half percent (2.5%) of the video service provider's gross revenues. The City may adjust the video service provider fee as permitted in Section 67.2689, RSMo.
- B. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.
- C. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691, RSMo. A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business.

Section 3

All other Sections and Subsections of Chapter 645: Video Service Providers, Article II: Video Service Regulations of the Code of Ordinances of the City of Normandy, Missouri shall remain in full force and effect.

Section 4 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 5 – Codification

The Chapter, Article, Division, and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, at the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 6 – Effective Date

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this 12th day of December, 2023.



Honorable Mark Beckmann, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman - City Attorney