

Section 1

PROPOSITION

Whether Section 16-36 of Division 1 of Article II of Chapter 16 of the Code or Ordinances of the Village of Uplands Park, Missouri, is hereby amended by the repeal of said Section 16-36 and the enactment of a new Section 16-36 to read as follows:

**Chapter 610 OCCUPATIONAL LICENSES AND REGULATIONS
TELECOMMUNICATIONS AND/OR CABLE
TELEVISION SYSTEMS**

ARTICLE I MISCELLANEOUS PURSUITS

DIVISION 1 GENERAL AND SPECIFIC PROVISIONS

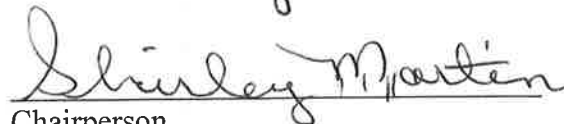
**Section 610.010 Utilities – telephone suppliers and telecommunications
service providers/**

Every supplier of telephones, and every person engaged in the business of providing telephone and telecommunications services or similar services, whether through wire or wireless transmissions, but excluding direct broadcast satellite services and any similar services which local governments are preempted or prohibited from taxing under applicable federal or state law, in the Village shall pay to the Village of Uplands Park, Missouri a monthly license fee on or before the twenty-fifth of each month for the preceding month at the rate of eight (8) per cent of the gross receipts derived from the transaction of business in the Village for each monthly period following January 1, 2010.

Section Two.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Trustees and said proposition shall be delivered to the St. Louis County Board of Elections Commissioners for placement on the ballot for the next regularly scheduled election..

Passed by the Board of Trustees this 20th day of Aug, 2009.


Chairperson

Attest:


Village Clerk

BILL NO. 392

ORDINANCE NO. 392

AN ORDINANCE OF THE VILLAGE OF UPLANDS PARK, MISSOURI, TO PLACE ON THE BALLOT FOR THE NEXT REGULAR ELECTION RELATING TO THE OCCUPATIONAL LICENSE FEES FOR PERSONS ENGAGED IN THE BUSINESS OF PROVIDING OR FURNISHING CERTAIN TELEPHONE AND TELECOMMUNICATIONS SERVICES.

WHEREAS, the Village of Uplands Park is authorized by state law and Sections 15(1), (22) and (39) of Article II of the Village of Uplands Park to tax, license and regulate those engaged in the business of providing or furnishing telephone, telecommunications, data transmission or similar services, whether through wire or wireless transmissions in the Village of Uplands Park; and

WHEREAS, some wireless telecommunication service providers have asserted that the Village of Uplands Park's existing Charter and ordinances relating to occupational license taxes on telephone service did not apply to them, however, the Board of Trustees believes and declares that the Village's previous Charter provisions and taxing ordinances were sufficiently broad to encompass both wired-based and wireless telecommunication service providers; and

WHEREAS, in accord with the requirements of Article X, Section 22 of the Missouri Constitution, and, in part, for the purpose of more clearly articulating the Village's authority for and imposition of its occupational license tax as to certain telecommunication actives, desire to place on the ballot on the next regular scheduled election, to determine whether a majority of the qualified electors voting thereon approve a proposition to allow the Village of Uplands Park to impose an occupational license fee on all persons engaged in the business of providing or furnishing telephone, telecommunications, data transmission or similar services, whether through wire or wireless transmissions but excluding direct broadcast satellite services, in a sum equal to eight percent (8%) of the gross receipts of such business; and

WHEREAS, in that the authority to be approved by the voters may be somewhat more inclusive than the scope of the amendment hereinafter set forth, the Board of Trustees wishes to articulate that it is the Village's intention, at this time, primarily to clarify that, in light of the burgeoning use of cellular telephones as an adjunct to or substitute for traditional land-based telephone services, wireless telecommunications services are and have been subject to the same license tax as wire service providers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPLANDS PARK, MISSOURI, AS FOLLOWS:

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Passed by the Board of Trustees this _____ day of _____, 2009.

Chairperson

Attest:

Village Clerk