

## Chapter 10 - FRANCHISE ENTITY REGULATION\*

### Editor's note—

Ord. No. 19672, §§ 1, 2, adopted September 17, 2007, repealed the former Ch. 10, §§ 10-1—10-8, 10-18, 10-19, 10-26—10-29, 10-36—10-49, 10-59—10-64, 10-70—10-76, 10-86—10-91, 10-99—10-105, 10-126—10-128, 10-139, 10-146—10-153, 10-164—10-189, 10-195, 10-196, 10-232, 10-233, 10-244—10-246, 10-253, 10-259—10-263, 10-274—10-276, 10-292, and enacted a new Ch. 10 as set out herein. The former Ch. 10 pertained to franchise regulations and derived from Ord. No. 18917, § 2, 3-6-06.

Cross reference—Streets, sidewalks and public places, Ch. 24; utilities, Ch. 27.

## ARTICLE I. - REGULATION OF VIDEO SERVICE PROVIDERS

### Sec. 10-1. - Definitions.

The definitions set forth in RSMo 67.2677 shall apply to this chapter.

(Ord. No. 19672, § 2, 9-17-07)

### Sec. 10-2. - Video service provider fee.

(a)

As partial compensation for use of public rights-of-way, each video service provider providing video service in the city shall pay city a video service provider fee equal to three (3) per cent of its gross revenue from providing video service in the geographic area of the city. This subsection shall remain in effect until December 21, 2007.

(b)

As partial compensation for use of public rights-of-way, each video service provider providing video service in the city shall pay city a video service provider fee equal to five (5) per cent of its gross revenues from providing video service in the geographic area of the city. This subsection shall be in effect on and after December 21, 2007.

(c)

Video service provider fee payments shall be made as required by RSMo 67.2689. Late payments shall accrue interest due to the city compounded monthly at one and one-half (1½) per cent.

(Ord. No. 19672, § 2, 9-17-07)

### Sec. 10-3. - Customer service standards.

All video service providers providing service in the city shall adopt and comply with the minimum customer service requirements set forth in RSMo 67.2692. Receipt of a copy of this ordinance by the video service provider shall be deemed notice of the city invoking such customer service requirements.

(Ord. No. 19672, § 2, 9-17-07)

### Sec. 10-4. - Public, educational and governmental channels.

Each video service provider shall designate three (3) channels for noncommercial public, educational and governmental use consistent with RSMo 67.2703.

(Ord. No. 19672, § 2, 9-17-07)

### Sec. 10-5. - Placement, screening and relocation of facilities.

(a)

As used in this section, "facilities" means cabinets or other structures that are used in providing video services and that are more than fifty-four (54) inches in height or nine (9) square feet in area, exclusive of pads or bases. "Facilities" does not include utility poles.

(b)

Facilities shall not be placed in any location that would create a safety hazard by blocking the line of sight of any person operating a motor vehicle.

(c)

Facilities shall not be located where they will interfere with any public structures or with the use of public property.

(d)

Video service providers, where feasible, shall screen all their facilities from view on all sides using plants, landscaping materials, ornamental fences, walls, or any combination of these screening methods. Screening shall be designed to achieve at least eighty (80) percent opacity at the time of installation or, where plants are used, within two (2) years of planting. Screening must be equally effective in winter and in summer. Video service providers shall be responsible for properly installing and maintaining the screening.

- (e) Video service providers shall give notice to all property owners within one hundred eighty-five (185) feet of the site of a facility, at least forty-eight (48) hours before any installation, replacement or expansion of the facility. The notice shall include a detailed description of the work to be done, the exact location of the work and the time and duration when the work shall be done.
- (f) Video service providers shall remove or relocate facilities at their expense when removal or relocation is necessary to accommodate construction, improvement or maintenance of streets or other public works, excluding minor beautification projects.
- (g) To the extent consistent with federal and state law, video service providers shall be subject to all other applicable city ordinances and regulations pertaining to the installation of facilities.  
(Ord. No. 19672, § 2, 9-17-07; Ord. No. 19757, § 1, 12-3-07)

**Secs. 10-6—10-30. - Reserved.**

**ARTICLE II. - PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE**

**Sec. 10-31. - Definitions.**

The following definitions apply to this article:

*Designated revenue.* In any fiscal year, no more than forty (40) percent of estimated video service provider fee revenue less the amount committed by the city to the purchase of public access television services for the fiscal year.

*Public communications services.* Any non-commercial communications services that enhance the ability of citizens to learn about community issues and communicate with city officials. Public communications services may be in the form of broadcasts, public forums, written information or web-based information.

(Ord. No. 19853, § 1, 3-17-08)

**Sec. 10-32. - Establishment of committee.**

There is hereby established the public communications resource advisory committee whose purpose is to advise the city council in allocating designated revenue to entities that provide public communication services to Columbia citizens.

(Ord. No. 19853, § 1, 3-17-08)

**Sec. 10-33. - Staff liaison; duties of the committee.**

- (a) The city manager shall appoint a staff liaison to work with the committee.
- (b) The committee shall have the following duties and responsibilities:
  - (1) Advise the city council on allocation of designated revenue for public communications services.
  - (2) Determine the need for public communications services that will enhance the ability of Columbia citizens to learn about community issues and communicate with government officials.
  - (3) With the assistance of the staff liaison, administer an objective, competitive process to solicit applications for funding, assess applicants' ability to provide proposed services and recommend to the city council the appropriate service providers. Recommendations shall be submitted to the city council as a part of the annual budget process. If an applicant has previously received funding from the city for public communications services, the committee shall review the applicant's performance before recommending additional funds.
  - (4) Review, as necessary, the provision of public communications services in the City of Columbia and recommend measures for increasing effectiveness and efficiency whenever possible.
  - (5) Perform other duties as directed by the city council.

(Ord. No. 19853, § 1, 3-17-08)

**Sec. 10-34. - Members; terms.**

- (a) The committee shall consist of seven (7) members appointed by the city council. At least five (5) of the wards shall be represented on the committee. Each member shall be a qualified voter and resident of the City of Columbia, shall serve

without compensation and shall not be a paid officer or employee of the city. The committee shall include members who are experienced in the fields of communications, citizenship or management of not-for-profit organizations.

(b)

Appointments shall be made for terms ending on December 31. The first appointments made shall be for staggered terms as follows: Three (3) members for terms expiring on December 31, 2008 and four (4) members for terms expiring on December 31, 2009. Thereafter, appointments shall be for two (2) years. Appointments to fill vacancies shall be for unexpired terms only.

*(Ord. No. 19853, § 1, 3-17-08; Ord. No. 20618, § 1, 5-3-10)*

#### **Sec. 10-35. - Meetings; quorum; attendance.**

A simple majority of all members shall constitute a quorum for the transaction of business. Any member who is absent, without being excused by the chair, from three (3) consecutive meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy.

*(Ord. No. 19853, § 1, 3-17-08)*

#### **Sec. 10-36. - Election of officers; terms.**

The committee shall annually elect from its members a chair, vice-chair and a secretary. The chair shall preside at all meetings, and in the absence of the chair or the inability of the chair to preside at any meeting, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the committee and forward a report of such proceedings to the city clerk. The committee may establish its own rules and procedures.

*(Ord. No. 19853, § 1, 3-17-08)*

#### **Sec. 10-37. - Conflicts of interest.**

Committee members shall not serve on the board of directors or be employed by any entity that applies for funding through the committee or which receives funding upon recommendation of the committee. For purposes of this section, each academic and administrative unit of the University of Missouri shall be considered a separate agency and each school of the Columbia Public School District shall be considered a separate agency. Any committee member who violates this section shall automatically forfeit the office. It shall be the duty of the committee chair to promptly notify the city council of the vacancy.

*(Ord. No. 19853, § 1, 3-17-08)*