

1 **BOARD BILL NO. 209 INTRODUCED BY: ALDERMAN CRAIG SCHMID,**  
2 **ALDERWOMAN JENNIFER FLORIDA, PRESIDENT LEWIS REED,**  
3 **ALDERWOMAN PHYLLIS YOUNG, ALDERMAN ALFRED WESSELS,**  
4 **ALDERMAN SHANE COHN**

5 An ordinance submitting to the qualified voters of the City of St. Louis a  
6 proposed permit fee increase on mechanical, electrical and plumbing permits issued by  
7 the City of St. Louis Building Division, establishing a City of St. Louis Historic Building  
8 Stabilization Fund, establishing a Historic Building Stabilization Fund Committee, and  
9 contributing to the existing Special Demolition Fund.

10 **WHEREAS**, Preservation of the City’s architectural and cultural heritage is  
11 beneficial to the City and its residents and the encouragement of historic preservation  
12 promotes sustainability, and the City of St. Louis continues to enact and support  
13 progressive policies which will enhance the high quality of the historic fabric of the City,  
14 which is a very unique asset; and

15 **WHEREAS**, the Mayor’s Sustainability Plan for the City of St. Louis specifically  
16 calls for preservation of the City’s historically and architecturally significant districts,  
17 buildings and landmarks; and

18 **WHEREAS**, such preservation, stabilization and improvement of the value of  
19 property affects the value of the property and the value of neighboring property and  
20 enhances the quality of life for all; and

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1           **WHEREAS**, such preservation increases commerce and prosperity by the  
2 protection of the value and amenity of property, promotes the tourist trade, civic pride,  
3 and promotes wider public knowledge and appreciation of the heritage of the City of St.  
4 Louis; and

5           **WHEREAS**, it has been identified that historic properties in the City of St. Louis  
6 have been allowed by their owners to deteriorate, compromising structural integrity, often  
7 losing architectural features which are crucial to the historical character and quality of the  
8 property, and ultimately causing a property to deteriorate to the point where public safety  
9 is at risk, causing loss to the City’s historic fabric, character and value of its urban  
10 streetscapes and integrity, and reduces sustainability through the avoidable loss of natural  
11 resources, embodied energy and the avoidance of landfill material; and

12           **WHEREAS**, the creation of a Historic Building Stabilization Fund which would  
13 be funded by a fee attached to mechanical, electrical and plumbing permits, and approved  
14 by a vote of the qualified voters of the City of St. Louis, is necessary to provide funds to  
15 prevent the decay and loss of our historic housing stock by providing funds for  
16 stabilization, and to provide for demolitions when such property poses a clear and  
17 immediate threat to the health and safety of our citizens; and

18           **WHEREAS**, by providing increased resources for preservation where appropriate  
19 and demolition where appropriate, the Fund will help maintain and enhance safe streets  
20 and neighborhoods, which are characteristics of a sustainable city; and

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1           **WHEREAS**, establishing a local funding stream for preservation work promotes  
2 sustainability by directly contributing to the City’s economic growth and at the same time  
3 protect historic residential and commercial properties vulnerable to demolition; and

4           **WHEREAS**, the preservation aspect of the Fund will create a financially  
5 sustainable program to maintain the appearance and integrity of historic properties until  
6 reuse and reoccupancy can be achieved; and

7           **WHEREAS**, this Ordinance furthers the objectives and supports the strategies in  
8 the Mayor’s Sustainability Plan for the City of St. Louis by providing and utilizing  
9 resources to foster revitalization in our City to promote a vibrant, attractive, prosperous  
10 and health community; therefore;

11           **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

12           **SECTION ONE:** Ballot measure.

13           The following ballot measure is hereby proposed and submitted to the voters of  
14 the City of St. Louis and shall be voted upon at an election to be held as soon as  
15 practicable upon passage of this ordinance.

16           The ballot measure is to read as follows:

17           Shall the City of St. Louis Ordinances #68831 (Electrical Code), #69255  
18 (Plumbing Code) and #68639 (Mechanical Code) be amended to add a fee of \$4 per  
19 \$1000 of the estimated cost of the permitted project or mathematical fraction thereof to  
20 be earmarked and transferred, \$2 to the Historic Building Stabilization Fund and \$2 to the  
21 Special Demolition Fund?

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1           **SECTION TWO:** Establishment of Historic Building Stabilization Fund.

2           Upon passage of the Ballot measure set forth in Section One, the Comptroller is  
3 authorized and directed to establish a fund to be designated as the “Historic Building  
4 Stabilization Fund” for the purpose of addressing stabilization of historic buildings such  
5 that they will be protected from further significant decay and endangering the public. All  
6 interest earned by the funds deposited in such special account shall be retained in the  
7 account to be appropriated according to provisions of this ordinance. All expenditures  
8 from such fund shall be appropriated in accordance with applicable law.

9           **SECTION THREE:** Deposit in Historic Building Stabilization Fund.

10          The Comptroller, upon receipt of funds designated for the “Historic Building  
11 Stabilization Fund” remitted by the Permit Department of the Building Division shall  
12 place said receipted payments in the “Historic Building Stabilization Fund” established in  
13 Section Two.

14          **SECTION FOUR:** Fee payment disposition.

15          When any permit applicant pays a permit fee for electrical, plumbing, or  
16 mechanical work, \$4.00 per \$1,000.00 permit amount will remit to the Comptroller on a  
17 monthly basis.

18          **SECTION FIVE:**

19          The Comptroller, upon receipt of such fee payments remitted by the Permit  
20 Department of the designated \$2 per \$1000 of the estimated cost of the applicable  
21 permitted project for the “Historical Building Stabilization Fund” and \$2 per \$1000 of the

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1 estimated cost of the applicable permitted project for the Special Demolition Fund, and  
2 shall place said receipted payments in the “Historical Building Stabilization Fund”  
3 established in Section Two and the Special Demolition Fund, respectively.

4 **SECTION SIX:** Establishment of the Historic Building Stabilization Fund  
5 Committee.

6 A. There is hereby established by this ordinance a Historic Building  
7 Stabilization Fund Committee, which shall consist of six voting members appointed by  
8 the Mayor and one Aldermanic member; the makeup of the membership shall be as  
9 follows: two shall be citizen members, one of whom will represent the St. Louis  
10 Landmarks Association and one of whom will represent the St. Louis Chapter of the  
11 American Institute of Architects, five shall be the following City Officials or their  
12 designated representatives: the Building Commissioner, who will be the Chair of the  
13 Committee, the Director of the Cultural Resource Office, the Director of the Planning and  
14 Urban Design Agency, the Executive Director of the St. Louis Development Corporation  
15 and the Chairman of the Public Safety Committee of the Board of Aldermen of the City  
16 of St. Louis. All members must be residents of the City of St. Louis.

17 B. The Historic Building Stabilization Fund Committee shall be chaired by  
18 the Building Commissioner, and shall elect a Vice Chair who shall serve on an annual  
19 basis in such position.

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1 C. Any citizen member may be removed by the Mayor for reasons of  
2 incapacity, malfeasance, neglect of duty, conviction of a felony, or failure to attend three  
3 successive meetings without cause.

4 D. Members shall serve on the Historic Building Stabilization Fund Committee  
5 without compensation for such service.

6 **SECTION SEVEN:** Historic Building Stabilization Fund Committee powers and  
7 duties.

8 A. The Historic Building Stabilization Fund Committee shall be an advisory  
9 committee to provide the Building Commissioner with recommendations as to which  
10 properties will be repaired and/or maintained, with monies in the Historic Building  
11 Stabilization Fund, and what actions are most appropriate with respect to individual  
12 properties.

13 B. The Historic Building Stabilization Fund Committee may only consider  
14 properties that are in existing Historic Districts in the City of St. Louis, properties  
15 individually listed on the National Register of Historic Places, and designated City  
16 Landmarks.

17 C. The Historic Building Stabilization Fund Committee, in its  
18 recommendation to the Building Commissioner, will consider historic district standards  
19 applicable to the property being reviewed, as well as standards of St. Louis City  
20 ordinances 64689 and 64925, and the Building Code.

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1           D.     If the Historic Building Stabilization Fund Committee recommends funds  
2 be used for stabilization repairs, which shall include protection and preservation of  
3 building envelope and structure and historic architectural elements of a qualifying  
4 property, the owner of the property will first be notified, and given 30 days to complete  
5 such stabilization repairs or provide an executed contract proving that the required work  
6 will be performed and completed by a date certain. If 30 days expires, and the property  
7 owner has failed to perform, the Historic Building Stabilization Fund Committee will  
8 recommend to the Building Commissioner that he cause such remediation to occur on  
9 such property under his authority to enter property in the City of St. Louis as set forth in  
10 St. Louis City Ordinance 68791, the Property Maintenance Code, which allows in  
11 Section 106 the Building Commissioner to abate violations of the Building Code on  
12 properties within the City of St. Louis, as well as City Ordinance 68788, which allows in  
13 Section 119 the Building Commissioner to condemn properties, and to correct, remove or  
14 abate violations on condemned properties.

15           E.     Notice to the property owner(s) of the building structure or premises  
16 making up the subject property shall be directed to the owner(s) as recorded most  
17 recently in the St. Louis Assessor's Office. The notice shall be served in one of the  
18 following ways:

- 19           1.     Delivering directly to owner(s) in person, by personal service, or by  
20 certified mail; or
- 21           2.     Posting a copy of said notice upon the building, structure or premises; or

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1           3.       Mailing a copy of said notice by regular mail, postage prepaid, direct to  
2 owner(s) place of business, registered agent, or the address currently recorded in the  
3 Assessor's Office of the City of St. Louis; or

4           4.       Publication in a newspaper of general circulation in the City of St. Louis.

5           F.       It is a violation of law for any person to remove any notice or copy thereof  
6 posted on a property pursuant to this Ordinance, subject to the general range of  
7 punishment proscribed by the Revised Code of the City of St. Louis.

8           G.       Land Reutilization Authority (LRA) properties will be eligible for  
9 consideration by the Historic Building Stabilization Fund Committee.

10          H.       The Historic Building Stabilization Fund Committee may make and adopt,  
11 and from time to time amend, rules and bylaws governing the conduct of its business and  
12 providing for the administration of the ordinance, subject to the approval of the Building  
13 Commissioner; the first such version shall be generated by the Committee within ninety  
14 (90) days of its establishment.

15          I.       The Historic Building Stabilization Fund Committee shall meet as often as  
16 may be required for the conduct of its business.

17          J.       The contracts awarded by the Building Commissioner under the Historic  
18 Building Stabilization Fund will be awarded to independent contractors, who are not  
19 direct employees of, nor agents of the City of St. Louis. Any damage claims that should  
20 arise as a result of work or demolition performed by such independent contractors must

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1 be made directly against the independent contractor's insurance company. The City of  
2 St. Louis shall be held harmless.

3 K. Decisions of the Building Commissioner to undertake any action at the  
4 recommendation of the Historic Building Stabilization Fund Committee as authorized in  
5 Subsection D. of this Section will be transmitted to the property owner(s) as most  
6 recently recorded in the Assessor's records of the City of St. Louis; said owner(s) will  
7 have 15 business days to appeal the decision of the Building Commissioner to the  
8 Preservation Board. This appeal shall be under the purview of the Preservation Board as  
9 provided in St. Louis City Ordinance #64689, Section Seven, F. The decision of the  
10 Preservation Board shall be deemed final for the purpose of Chapter 536 of the Revised  
11 Statutes of the State of Missouri.

12 **SECTION EIGHT:** The Building Commissioner shall have the ability to hire or  
13 designate staff to be paid by the Historic Building Stabilization Fund. Such staff shall be  
14 under the supervision of the Building Division or other appropriate City agency.

15 **SECTION NINE:** Guidelines for Contracting.

16 The Historic Building Stabilization Fund Committee will develop a list of  
17 approved professionals qualified to perform remedial work to stabilize historical  
18 structures and to demolish buildings in historic areas. All individuals and entities on the  
19 list will hold business licenses in good standing in the City of St. Louis, and will hold any  
20 other license and permits required to do business in the City of St. Louis.

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1           **SECTION TEN.** Nothing contained herein shall be construed to limit the  
2 powers of the Building Commissioner, City Counselor, or any other agency of the City of  
3 St. Louis from exercising all legal remedies available to it under the City of St. Louis.

4           **SECTION ELEVEN.** Liens.

5           All costs to any building, structure, or premises repaired or demolished pursuant  
6 to this ordinance that is funded by the Historic Building Stabilization Fund shall be  
7 certified to the Office of the Comptroller, which shall cause a special tax bill against the  
8 property to be prepared and collected in the same manner and procedures as other real  
9 estate tax bills. Said special tax bill shall be deemed a personal debt against the property  
10 owner and shall also be a lien on the property until paid. Such bills may only be waived  
11 by the instruction of the Building Commissioner when the ownership of said property for  
12 which the bill was incurred lies in the Land Reutilization Authority, St. Louis  
13 Development Corporation or any other City agency, departments or division.

14           **SECTION TWELVE.** Severability.

15           The provisions of this ordinance are severable. In the event any provision of this  
16 ordinance is determined to be invalid, the remaining provisions shall not be affected  
17 therein.

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