

Summary
Board Bill Number 181
Introduced by Alderman Thomas Oldenburg
February 11, 2022

The bill proposes to change the first sentence of Article IV, Section 24 of the City's Charter to increase the maximum fine that be assessed for violations of ordinances regarding the preservation and protection of environmental conditions in the City for the prevention of harm to the health, safety and comfort of City residents or harm to private or public property such as the unauthorized dumping of waste or debris, prohibited refuse, waste tire disposal, and the like from \$500.00 to \$1,000.00. The bill provides for an election to be held on August 2, 2022, for voting on the Charter change.

**BOARD BILL NUMBER 181 INTRODUCED BY: ALDERMAN THOMAS
OLDENBURG/PRESIDENT LEWIS REED/ ALDERWOMAN SHARON TYUS/
ALDERWOMAN LISA MIDDLEBROOK/ ALDERMAN BRANDON BOSLEY/
ALDERWOMAN DWINDERLIN EVANS/ ALDERMAN JAMES PAGE/
ALDERWOMAN CHRISTINE INGRASSIA/ ALDERMAN JOHN COATAR/
ALDERWOMAN ANNIE RICE/ ALDERMAN DAN GUENTHER/ ALDERMAN
JOSEPH VOLLMER/ ALDERWOMAN SARAH MARTIN/ ALDERMAN BILL
STEPHENS/ ALDERWOMAN ANNE SCHWEITZER/ ALDERWOMAN CAROL
HOWARD/ ALDERWOMAN MEGAN GREEN/ ALDERMAN TINA PIHL/
ALDERMAN JESSE TODD / ALDERWOMAN MARLENE DAVIS/ ALDERWOMAN
CARA SPENCER/ ALDERMAN JOHN COLLINS-MUHAMMAD/ ALDERMAN
JEFFREY BOYD/ ALDERMAN JOSEPH VACCARO/ ALDERMAN BRET NARAYAN/
ALDERMAN SHANE COHN/ ALDERWOMAN SHAMEEM CLARK-HUBBARD/
ALDERWOMAN PAMELA BOYD**

1 An ordinance submitting to the voters of the City of St. Louis a proposal to change Article IV,
2 Section 24 of the City’s Charter in order to increase the maximum fine that be assessed for
3 violations of ordinances regarding the preservation and protection of environmental conditions in
4 the City for the prevention of harm to the health, safety and comfort of City residents or harm to
5 private or public property such as the unauthorized dumping of waste or debris on private or
6 public property, prohibited refuse, waste tire disposal and the like from \$500.00 to \$1,000.00;
7 and providing for an election to be held for voting on the proposed Charter change and the manner
8 of voting thereat; and the publication, certification, deposit and recording of this ordinance; and
9 containing an emergency clause.

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

11 **SECTION ONE.**

12 A. The following change to Section 24, Article IV the City of St. Louis Charter is hereby
13 proposed and submitted to the voters of the City of St. Louis and shall be voted upon at an election
14 to be held as hereinafter provided.

15 B. The aforementioned change to the City of St. Louis Charter shall be in the words and figures
16 as follows:

1 The first sentence in Section 24 of Article IV of the City of St. Louis Charter is hereby changed to
2 be and read as follows:

3 No fine shall exceed five-hundred dollars except for violations of City ordinances
4 regarding the preservation and protection of environmental conditions in the City for the
5 prevention of harm to the health, safety and comfort of its residents or harm to private or
6 public property such as the unauthorized dumping of waste or debris on private or public
7 property, prohibited refuse, waste tire disposal, and the like for which the fine shall not
8 exceed one-thousand dollars.

9 **SECTION TWO.**

10 A. The foregoing change to the Charter of the City of St. Louis shall be submitted to the qualified
11 voters of the City at an election to be held on the 2d day of August 2022, if the proposed change
12 shall receive in its favor the votes of the required three-fifths majority of qualified voters voting at
13 said election for or against the proposed change, the change shall be adopted and become a part of
14 the Charter of the City of St. Louis from the date of said election.

15 B. Qualified voters of the City of St. Louis voting at said election shall vote a ballot substantially
16 in the following form:

17 PROPOSITION F

18 Instructions to voters: To vote in favor of the proposition submitted on this ballot, place
19 an [X] in the square opposite the word YES and to vote against the proposition submitted
20 on this ballot, place an [X] in the square opposite the word NO.

21 The proposed amendment shall appear on the ballot substantially, as follows:

22 Shall Section 24 of Article IV of the City’s Charter be changed to increase the maximum
23 fine for violations of City ordinances regarding preservation and protection of
24 environmental conditions for preventing harm to the health, safety, and comfort of City

1 residents or harm to private or public property such as unauthorized dumping of waste or
2 debris on private or public property, prohibited refuse, waste tire disposal, and the like
3 from \$500.00 to \$1,000.00.

4 If you are in favor of the question, place an [X] in the box opposite YES.
5 If you are opposed to the question, place an [X] in the box opposite NO.

6
7 []YES []NO

8 **SECTION THREE.** The Board of Election Commissioners shall provide the ballots and or
9 voting machines and, conduct the election and, shall ascertain and certify the result thereof
10 according to the law. If voting machines are used, the aforesaid "PROPOSITION F" shall be placed
11 or posted on the said voting machines wherever said machines are used under the direction of the
12 Board of Election Commissioners for the City of St. Louis and according to law.

13 **SECTION FOUR.** Upon the approval of this change to the City of St. Louis Charter, it shall
14 be certified and deposited as required by Article VI, Section 33 of the Constitution of Missouri
15 and shall be filed in the Office of the City Register.

16 **SECTION FIVE.** Emergency Clause. This being an ordinance calling for an election for
17 submission to the people of a proposed amendment to the Charter, it is hereby declared to be an
18 emergency measure and shall become effective immediately upon its passage and approval by the
19 Mayor pursuant to Article IV Sections 19 and 20 of the Charter or upon such other date as may be
20 prescribed in the amendment.

St. Louis City Charter

Article IV – Board of Aldermen

- **Section 24 - Fines and imprisonment.**

No fine shall exceed five hundred dollars. Any one against whom any fine shall have been assessed, failing to pay the same and costs, shall be committed to the workhouse or other place provided therefor, and to such labor as may be provided by ordinance, until such fine and costs shall be fully paid, at the rate of one day's imprisonment for each three dollars of fine; provided, that no such imprisonment shall exceed one hundred days for any one offense, and provided further, that fines may be paid in installments in such manner as may be provided by ordinance, and provisions may be made by ordinance for the detention, with the view to reform and cure, of habitual drunkards or other habitual delinquents, as may be defined by ordinance, for the indeterminate sentence not exceeding one year.

City Counselor Ops.: 8405

Cases:

It is a denial of equal protection to limit punishment to payment of a fine for those who are able to pay it but to convert the fine to imprisonment for those who are unable to pay it. *Tate v. Short*, 401 U.S. 395, 91 S. Ct. 668, 28 L.Ed. 2d 130 (1971).

St. Louis must provide indigent defendants an opportunity to pay fines in reasonable installments. *Hendrix v. Lark*, 482 S.W. 2d 427 (1972).

A person who is unable to pay fines despite a good faith effort cannot be incarcerated. *Hendrix v. Lark*, 482 S.W. 2d 427 (1972).

An indigent defendant may not be incarcerated for nonpayment of fine. *Spencer v. Basinger*, 562 S.W. 2d 350 (1978).

Hearing should be held to determine defendant's ability to pay before he may be confined for failure to pay fines. *Spencer v. Basinger*, 562 S.W. 2d 350 (1978).

McQuillin:

Ch. 17 Penalties of Municipal Ordinances

History:

Submission Ordinance No. 55732

Submission Ordinance Approved December 30, 1970.

Amendment Substance: repeal Section 24 relating to fines and imprisonment, and enact a new Section 24, changing the rate at which fines are worked off from \$3 to \$15 per day or if no labor performed a rate of \$5 per day of imprisonment.

Voter Rejection Date: April 6, 1971.

Submission Ordinance No. 63315

Submission Ordinance Approved December 7, 1994.

Amendment Substance: amending Section 24 relating to fines and punishment to increase the maximum fine to one thousand dollars.

Voter Rejection Date: April 4, 1995.

Submission Ordinance No. 63914

Submission Ordinance Approved November 26, 1996.

Amendment Substance: repeal Section 24 relating to fines and enact a new Section 24, changing the amount which the fine shall not exceed from \$500 to \$1,000.

Voter Rejection Date: April 1, 1997.

Submission Ordinance No. 64298

Submission Ordinance Approved March 20, 1998.

Amendment Substance: repeal Section 24 relating to fines and enact a new Section 24, changing the amount which the fine shall not exceed from \$500 to \$1,000.

Voter Rejection Date: August 4, 1998.

Submission Ordinance No. 65579

Amendment Substance: to increase fines to \$1,000.00.

Voter Rejection Date: November 5, 2002.

Submission Ordinance No. 66276

Submission Ordinance Approved July 23, 2004.

Amendment Substance: change maximum fine from \$500.00 to \$1,000.00.

Voter Rejection Date: November 2, 2004.