

Public Nuisance Ordinance #68535

This ordinance exists as an effort to aid in stabilizing communities within the City of St. Louis, by establishing a procedure for the abatement of public nuisances on occupied residential and commercial properties.

By definition, a nuisance is defined by this ordinance as “a continuing act or physical condition which is made, permitted, allowed or continued by any person or legal entity, their agents or servants or any person or legal entity who aids therein which is detrimental to the safety, welfare or convenience of the inhabitants of the City or a part thereof, or any act or condition so designated by statute or ordinance”.

A public nuisance exists when a property is used for **one** or more of the following incidents within the previous 12 months:

- Illegal sale, manufacture, storing, possession, distribution or use of narcotics or other controlled substances or precursors;
- The illegal sale, manufacture, storing, possession, distribution or use of drug paraphernalia or precursors;
- Illegal sale, storing, possession, use or distribution of a firearm(s), weapons or explosive devices.

A public nuisance exists when a property is used for **two** or more incidents within a 12 month period for the following:

- Prostitution;
- Illegal gambling;
- Illegal sale, distribution or consumption of alcoholic beverages;
- Violation of municipal, state or federal business licensing regulations;
- Commission of any offense which is punishable by imprisonment of ninety days or more;
- Maintaining or permitting a condition or engaging in an activity which unreasonably annoys, injures or endangers the safety, health, morals or repose of any inhabitant of the City of St. Louis or a part thereof;
- Making a false report of a violation of the law to any police officer or other officer of the law in person, or from any police alarm or call box, or over the telephone or radio, or by improper use of Emergency 911, or by any other means of communication;
- Any other condition or activity that may constitute a felony, misdemeanor or ordinance violation under federal, state or municipal law which is detrimental to the safety, welfare or convenience of the inhabitants of the City of St. Louis or a part thereof.

When any property as defined above is determined to be a public nuisance per this ordinance, the owner or controller of the property will be sent a Cease and Desist Letter, giving the property owner or controller thirty (30) days in which to set forth reasonable abatement measures. Owner occupants or tenants must immediately cease all nuisance behavior. Failing to do so may result in owner occupants or tenants of residential buildings receiving a summons for “engaging in a

nuisance” or “maintaining a nuisance.” Any owner of residential or commercial unit(s) who does not abate the nuisance within the 30 day period shall be issued a summons for “failure to abate a nuisance.” A defendant who is found guilty or pleads guilty to a nuisance offense shall be subject to a fine between \$100 and \$500, or any other penalty available by law, including up to 90 days in jail. A defendant found guilty or who pleads guilty of a second nuisance offense, shall be subject to a fine between \$200 and \$500, or any other penalty available by law, including up to 90 days in jail. A defendant found guilty or who pleads guilty of a third or subsequent offense, shall be subject to a fine of \$500, or any other penalty available by law including up to 90 days in jail.

The opportunity exists for a property owner to meet with the nuisance team to share what abatement measures are being enacted and to get suggestions as to how to avoid repeat nuisance activities. Such meetings are normally set up at the time when a Cease and Desist letter is issued to a property owner.

Failure to abate a public nuisance could result in an Administrative Hearing, which could result in the problem property or problem unit of a property being closed and boarded for a period of up to one year. If a property owner fails to comply with an order from the Administrative Hearing Officer under this ordinance shall be a violation of this ordinance and any person who fails to comply with such an order shall be subject to a fine of between \$100 and \$500 for each day the court finds such person to be in noncompliance. In addition to a fine, the court may sentence such person to not more than 90 days in jail.