

1 BOARD BILL NO.111 INTRODUCED BY ALDERMAN JEFFREY L. BOYD

2 An ordinance establishing a Tire Code for the City of St. Louis; providing for the
3 permitting and regulation of tire dealers, waste tire haulers and owners and operators of
4 waste tire sites, to address the impact of waste tires on the budget, environment and
5 physical health of the citizenry of St. Louis;

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7 WHEREAS, It is in the best interest of the City of St. Louis and its inhabitants to initiate
8 efforts to combat the ill effects of waste tire dumping; and

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10 WHEREAS, illegal tire dumping occurs when businesses that handle waste tires do not
11 dispose of waste tires properly per industry standards, and some dispose of them
12 unlawfully;

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14 WHEREAS, the fiscal cost of cleanup of illegal tire dumping is having a negative impact
15 on the budget of the City of St. Louis, hampering much needed maintenance and
16 improvement; and

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18 WHEREAS, many in the tire industries have little or no training or knowledge of
19 industry guidelines, and the permitting process would allow all tire-related businesses to
20 be educated on the expectations of the City and the consequences of illegal activity; and

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22 WHEREAS, illegal tire dumping poses threats to both human health and the
23 environment; and

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WHEREAS, mosquitoes, snakes, spiders, bugs, skunks, and other vermin are attracted to scrap tire dumps; and

WHEREAS, mosquitoes multiply quickly and thrive within the folds and crevices of piled up tires; their breeding season is extended from heat retained in tires, and they breed in the stagnant water collected in the inner rings of waste tires; and

WHEREAS, with growing numbers of tires being dumped and tire dump sites, the opportunity to tire fires grows more likely; tire fires threaten human health and the environment by producing toxic smoke and oily runoff which can damage the earth, as well as surface and ground water; and

WHEREAS, enacting a Tire Code will clarify and define the responsibility for managing tires; and

WHEREAS, the State of Missouri, Department of Natural Resources, Unit for Scrap and Illegal Dumping, has been consulted regarding this strategy; and

WHEREAS, the Tire Code is an important step toward improving the financial, environmental and physical health of the City of St. Louis;

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

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TIRE CODE

. I. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Auto salvage yard* means a place that stores salvage vehicles for more than 15 consecutive calendar days or dismantles salvage vehicles for the sale of parts or buys and sells used motor vehicle parts and accessories or stores used motor vehicle parts and accessories for more than 15 consecutive calendar days.
2. *Chipped or shredded tire* means a tire that has been reduced to parts no larger than that defined in the definition of a cut tire.
3. *Cut tire* means a waste tire cut in half circumferentially or cut into at least four parts with no part being larger than approximately on-quarter of the original tire’s size.
4. *Commissioner* means the Commissioner of Health or any authorized representative.
5. *Department* means the Environmental Health Division of the Department of health of the City of St. Louis.
6. *Designated agent* means the individual designated by the permit holder who is in actual management and control of the business permitted under this ordinance.

- 1 7. *Owner and operator* means any person who owns, leases, operates, controls or
2 supervises a waste tire collection center, waste tire processing facility, waste tire
3 site, waste tire hauling company, tire dealer, salvage yard, auto salvage yard or
4 garbage dump.
- 5 8. *Person* means an individual, partnership, club or association, firm, limited
6 liability company or corporation, unless the context requires a contrary
7 interpretation.
- 8 9. *Salvage* means old or scrap copper, brass, rope, rags, batteries, paper, rubber
9 debris, iron steel and other old or scrap ferrous or nonferrous material.
- 10 10. *Salvage vehicle* means a vehicle which is incapable of operation or use upon the
11 highways or which has no resale value except as a source of parts or scrap. The
12 absence of any of the following items shall be deemed to render a vehicle
13 inoperable: front or rear fender, front or rear quarter panel, hood, trunk lid, front
14 grill, front or rear clip, wheel, front of rear axle, engine, transmission, instrument
15 panel, windshield or window, or dashboard.
- 16 11. *Salvage yard* means an establishment, area or place of business maintained,
17 operated or used for the storing, keeping, buying, or selling of salvage.
- 18 12. *State* means the State of Missouri.
- 19 13. *Tire dealer* means any person who operates or maintains an establishment or
20 place of business where new or used tires are bought or sold.
- 21 14. *Vector* means any organism, such as an insect, that transmits a pathogen.

1 15. *Waste tire* means a tire that is no longer suitable for its original intended purpose
2 because of wear, damage or defect or has been discarded with the intent of final
3 disposal.

4 16. *Waste tire collection center* means any establishment or place of business where
5 more than five waste tires are collected or stored for more than 30 days.

6 17. *Waste tire hauler* means any individual or business hauling or transporting more
7 than five waste tires within the city.

8 18. *Waste tire processing facility* means any establishment or place of business where
9 waste tires are processed for disposal, recycling or any other purposes.

10 19. *Waste tire site* means any establishment, area or place of business where more
11 than five waste tires are stored including, but not limited to, waste tire collection
12 centers, waste tire processing facilities, salvage yards, auto salvage yards and
13 garbage dumps.

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15 **II. Administration and Enforcement.**

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17 The Commissioner shall administer or cause to be administered the provisions of this
18 ordinance.

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20 A. **Conflicting Provisions.**

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22 Wherever conflicting provisions or requirements occur between this article and any other
23 municipal codes or laws, the most restrictive shall govern.

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2 B. Prohibited Activities.

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4 1. It shall be unlawful for any person to dispose of waste tires in the City except
5 as provided in this article. Waste tires shall be collected only at a waste tire
6 site, waste tire processing facility, waste tire collection center or a temporary
7 site as allowed by the state and approved by the Commissioner.

8 2. A person shall not maintain a waste tire site unless the site is permitted by the
9 state department of natural resources for the proper and temporary storage of
10 waste tires or the site is an integral part of the person's permitted waste tire
11 processing facility or the site is exempt from the state's permit requirements.

12 3. Waste tires may not be deposited in a landfill as a means of ultimate disposal
13 unless the tires have been cut, chipped or shredded.

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15 C. Duties of the Department

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17 The Department is authorized to:

18 1. Encourage the establishment of waste tire collection centers at tire dealers and
19 waste tire processing facilities; and

20 2. Investigate, locate and document existing sites where tires have been or currently
21 are being accumulated, and initiate efforts to bring these sites into compliance
22 with rules and regulations promulgated pursuant to the provisions of this article.

1 3. Assist neighborhood organizations and community groups in the application
2 process for waste tire grants, facilitate public service education with regard to
3 waste tires and the illegal dumping of waste tires, and coordinate education
4 concerning waste tires with the city police department and city department.

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6 D. Inspections

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8 1. The Commissioner, or any police officer, shall have the right, at any reasonable
9 time, to inspect any area of the permitted premises and the permit holder shall
10 allow inspection of all the premises used in connection with the operations carried
11 on under the permit. The following are the different types of inspections that may
12 be made:

13 a) Annual. The Commissioner shall, during normal business hours, conduct
14 an inspection of the property thereof to ensure compliance with this
15 article. Owners will be notified of annual inspections at least 14 days in
16 advance of the scheduled inspection date. Owners or their
17 representatives must make premises available for inspection and may
18 accompany inspectors during inspections.

19 b) Complaint. The Commissioner shall, during normal business hours,
20 conduct inspections when violations of this article are reported to the
21 Commissioner.

22 c) Reinspection. The Commissioner shall, during normal business hours,
23 inspect an establishment that has failed an annual or complaint

1 inspection until compliance is reached. A fee will be charged for a
2 second re-inspection and every re-inspection thereafter until compliance
3 with this article or any inspection is achieved.

4 2. The fee for each inspection shall be as follows:

5 Annual inspection-No fee

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7 Complaint inspection-No fee

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9 2nd and every subsequent re-inspection: \$100.00 for each subsequent reinspection

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11 3. The Board of Aldermen of the City of St. Louis shall have the authority to
12 annually adjust the re-inspection fee by a percentage no greater than the
13 percentage increase in the Consumer Price Index (all items/all urban
14 consumers/St. Louis, Missouri) published by the United states Department of
15 Labor, Bureau of Labor statistics, provided that the increase is reflective of the
16 costs of the services being provided.

17 4. No fee shall be effective until approved by a simple majority of the city's
18 electors.

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20 **III. Tire Dealer Permit Required**

21 permit inside the vehicle when the vehicle contains scrap tires and maintain tracking and
22 summary reports as required by the

1 A. Within 120 days of the effective date of this ordinance, it shall be unlawful to be a
2 tire dealer within the City without a tire dealer permit. A permit shall be required
3 for each location at which a tire dealer operates in the City. This permit
4 shall be in addition to any other permit or license required by other local, state or
5 federal government agencies. No permit shall be issued for any business seeking
6 to operate at a location prohibited by an applicable local, state or federal law,
7 statute, ordinance, rule or regulation; provided, however, that a business lawfully
8 in existence on the date of adoption of such prohibition may be issued a permit if
9 allowed by such provisions.

10 B. A tire dealer who hauls or transports more than five tires at any one time within
11 the City shall maintain a copy of the current Missouri Department of Natural
12 Resources on forms provided by the Missouri department of Natural Resources or
13 on similar forms or in a similar format that has been preapproved by the
14 Missouri Department of Natural Resources. The tracking report(s) shall be filled
15 out for each load delivered to an approved destination and shall include all
16 applicable collection and receiver data. All records required by this rule shall be
17 kept on site by the tire dealer and waste tire hauler for at least three years. The
18 records shall be made available for inspection by the Commissioner or any police
19 officer upon demand.

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21 **IV. Tire Dealer Permit Application**

22 An application for a tire dealer permit or annual renewal shall be made in writing
23 to the Commissioner and shall contain the following information:

1 (1) The full name and place of business of the applicant, including the street
2 address and legal description where such business is to occur. If the
3 applicant is a limited liability company, the name of the managing
4 member, if one is designated, in the limited liability company documents,
5 shall be provided. If the applicant is a partnership, the full name and place
6 of residence/business of each general partner shall be listed. If the general
7 partner of a partnership is a corporation, then that corporation shall list the
8 full name, position and place of residence of each officer and director of
9 that corporation. If the applicant is a corporation, the full name, position
10 and place of residence of each officer and director shall be provided. If the
11 applicant is doing business under a fictitious name, both legal and
12 fictitious names shall be listed on the application.

13 (2) The hours of operation and days of the week that the business will be open
14 to the public.

15 (3) The name, telephone number and address of the designated agent of the
16 local office operations. The designated agent will be the individual
17 authorized to act on behalf of the permit holder in the permit holder's
18 absence and may receive notification (including notification of violations)
19 that may be issued by the City.

20 (4) The state sales tax number if required by the state for the applicant to do
21 business at the site that is the subject of the application.

22 (5) Proof that the applicant has received a tax clearance from the Collector of
23 Revenue.

1 (6) A certificate from the Building Division and the Fire Department stating
2 that the applicant is in compliance with their respective codes.

3 (7) Such further information that pertains to a tire dealer operating in the City
4 as may be required by the Commissioner.

5 (8) The tire dealer shall update the Commissioner of any changes to the
6 information required in the application by submitting an updated
7 application within 30 days of such change.

8 (9) The application shall be dated and signed by an individual with authority
9 to sign on behalf of the person requesting the tire dealer permit.

10 (10)The name, address and telephone number of the owner of the real estate
11 unless the real estate is owned by the tire dealer. Documentation that the real
12 estate owner authorizes the use of the property by a tire dealer shall be
13 attached to the application.

14 (11)The name, address and telephone number of the waste tire hauler used to
15 haul or transport the applicant's used tires.

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17 **V. Tire Dealer Permit Duration; Renewal; Fees**

18 A. The permit period for all tire dealers will be for a period of one year beginning
19 and ending on dates determined by the director. The initial application may be for
20 a portion of one year. An application for renewal of the permit will be sent to
21 permit holders 90 days prior to the date of expiration, however, failure of the
22 Commissioner to send this courtesy notice shall not excuse the tire dealer's failure
23 to renew the required permit. The completed renewal application is due 30 days

1 prior to the expiration date of the current permit. Failure to apply for a renewal of
2 a permit within 120 days of the expiration date shall render the expired permit
3 null and void. Each permit shall include the name of the permit holder and
4 address of the premises. Permits in good standing on the date of their expiration
5 shall be eligible for renewal. The application for a permit shall be accompanied by
6 payment in full of the fee stated in this section, by cash, certified or cashier's
7 check or money order. No application shall be considered complete until the fee is
8 paid. The fee shall not be refunded under any circumstances.

9 B. The fee for each permit shall be as follows:

- 10 a. New tire dealer permit: \$250.00 per year;
- 11 b. Renewal of tire dealer permit: \$250.00 per year.

12 C. Every permit holder that has not submitted a renewal application before the
13 permit expires will be assessed a late fee. Late dues will be assessed according to
14 the following schedule:

- 15 i. 30 days.....\$50.00
- 16 ii. 60 days.....\$100.00
- 17 iii. 90 days.....\$150.00
- 18 iv. 120 days...\$200.00
- 19 v. 150 days...\$250.00
- 20 vi. 180 days...\$300.00

21 D. No permit fee shall be effective until approved by a simple majority of the City's
22 electors.

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2 **VI. Collection of Waste Tires by Retailers**

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4 A. Acceptance by sellers. Any person selling new, used or remanufactured tires
5 at retail shall accept, at the point of transfer and time of sale, in a quantity
6 equal to the number of tires, sold, used or waste tires from customers. If
7 offered by such customers. Any person accepting used or waste tires may
8 charge a reasonable fee reflecting the cost of proper management of any waste
9 tires accepted.

10 B. Posting of information. Such a seller shall prominently post a written notice
11 for customers that contains information about activities prohibited by this
12 ordinance, and shall include the requirements that seller must accept waste
13 tires for disposal and recycling. The notice shall be in such size and format,
14 and contain such other information, as the Commissioner shall prescribe, and
15 shall substantially conform to a model notice which the Commissioner shall
16 prepare for use by sellers.

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18 **VII. Abatement of violations**

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20 A. Authorized. If the owner, operator or person in care, custody or control of any
21 site in violation of the provisions of this ordinance fails to correct such
22 violations within 30 days of the notice provided pursuant to this ordinance,
23 then the Commissioner may, in addition to resorting to any other available

1 legal remedy, declare the site to be a public nuisance and may enter the site
2 where such nuisance exists, for the purpose of abating such condition, with or
3 without the consent of the owner or occupant thereof, without being deemed
4 to have committed a trespass. This limited right of entry shall extend to any
5 person hired or other wise engaged by the director to abate such nuisance
6 conditions.

7 B. Assessment of costs. The Commissioner shall thereafter determine the actual
8 costs incurred to effect that abatement, together with a reasonable
9 administrative charge, with such administrative charge not to exceed \$500.00,
10 which, after providing reasonable notice to the owner as disclosed in the
11 application and occupant of the site, shall be assessed against the owner and
12 occupant. If an owner or occupant so requests in writing received within 15
13 days of the date of that notice, the Commissioner shall hold a public hearing
14 to determine the reasonableness of that assessment.

15 C. Payment of assessment. If such assessment is not paid in full within 30 days,
16 then the Commissioner shall certify the charge for abatement to the Collector
17 of Revenue as a special assessment represented by a special tax bill against
18 the real property affected. At the request of the taxpayer, the tax bill may be
19 paid in installments over a period of not more than ten years. Should any such
20 installment become delinquent, the whole unpaid amount shall become due.

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23 **VIII. Requirements for waste tire haulers.**

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- A. Waste tire haulers shall;
1. Register with the Commissioner prior to operating within the City except that any waste tire hauler currently operating shall have 90 days to register pursuant to this provision on a form approved by the Commissioner.
 2. Obtain and maintain a valid permit from the state to operate as waste tire hauler pursuant to RSMo. 260.270. A copy of each such permit shall be provided to the Commissioner at the time of registration with the Department.
 3. Maintain a copy of the current state permit inside the vehicle when the vehicle contains scrap tires.
 4. Maintain tracking and summary reports as required by the Missouri Department of Natural Resources on forms provided by the Missouri Department of Natural Resources or on similar forms or in a similar format that has been preapproved by the Missouri department of Natural Resources. The tracking report(s) shall be filled out for each load delivered to an approved destination and shall include all applicable collection and receiver data. All records required by this rule shall be kept on site by the tire dealer and waste tire hauler for at least three years. The records shall be made available for inspection by the director or any police officer upon demand.

IX. Waste Tire Hauler

1 Any person registering as a waste hauler within the City shall pay a \$25.00 annual
2 registration fee to the Commissioner.

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4 **X. Denial of Waste Tire Hauler Permit.**

5 A. The Commissioner will allow registration upon compliance with the provisions of
6 this article. Failure to comply with the provisions of this article shall result in
7 denial of registration with the Department. Upon denial of registration, the
8 Department will issue a written report to the applicant as to the reasons for
9 noncompliance.

10 B. Failure to register under this ordinance shall constitute a violation of this
11 ordinance.

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13 **XI. Limited Storage of Tires Allowed; Permitted Use of Waste Tires.**

14 A. Any person having obtained a permit from the City to operate a auto salvage yard,
15 may without further license, permit or payment fee, store but shall not bury on his
16 or her storage property, up to 500 waste tires that have been chipped, cut or
17 shredded; provided however, that such tires are only from vehicles acquired by
18 him or her and that such tires are stored in accordance with the rules and
19 regulations adopted by the Commissioner pursuant to this ordinance. Any tire
20 dealer may hold more than 500 waste tires for a period not to exceed 30 days
21 without human health and the environment pursuant to regulations adopted by the
22 Commissioner.

1 B. Waste tires collected and stored for processing, disposal and recycling pursuant to
2 the provisions of this section shall be stored as required by law.

3 C. Any person may store less than five waste tires for recycling or other uses. Any
4 person storing less than five tires shall maintain vector control requirements.

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6 **XII. Waste Tire Site, Closure Plan.**

7 Each operator of a waste tire site shall ensure that the area is properly closed upon
8 cessation of operations pursuant to RSMo. 260.275.

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10 **XIII. Waste Tire Site Permit Application**

11 A. A person desiring to establish, maintain or operate a waste tire site within the
12 City shall submit an application, in writing, to the Commissioner which shall contain the
13 following information:

14 1. The full name and place of business of the applicant, including the street
15 address and legal description where such business is to occur. If the
16 applicant is a limited liability company, the name of the managing
17 member, if one is designated in the limited liability documents, shall be
18 provided. If the applicant is a partnership, the full name and place of
19 residence/business of each general partner shall be listed. If the general
20 partnership is a corporation, the that corporation shall list the full name,
21 position and place of residence of each officer and director of that
22 corporation. If the applicant is a corporation, the full name, position, and
23 place of residence of each officer and director shall be provided. If the

1 applicant is doing business under a fictitious name, both legal and
2 fictitious names shall be listed o the application.

3 2. The hours of operation and days of the week that the business will be open
4 to the public.

5 3. The name, telephone number and address of the designated agent of the
6 local office operations. The designated agent will be the individual
7 authorized to act on behalf of the permit holder in the permit holder's
8 absence and may receive notifications (including notification of
9 violations) that may be issued in the City.

10 4. The state sales tax number if required by the state for the applicant to do
11 business at the site that is the subject of the application.

12 5. Proof that the applicant has received a tax clearance from the Director of
13 Revenue.

14 6. A certificate from the Building Division and the Fire Department stating
15 that the applicant is in compliance with their respective codes.

16 7. Such further information that pertains to a waste tire site operating in the
17 City as may be required by the Commissioner.

18 8. The owner of the waste tire site shall update the Commissioner of any
19 changes to the information required in the application by submitting an
20 updated application within 30 days of such change.

21 9. The application shall be dated and signed by an individual with authority
22 to sign on behalf of the person requesting the waste tire sale permit.

- 1 10. The name, address and telephone number of the owner of the real estate
2 unless the real estate is owned by the waste tire site establishment.
3 Documentation that the real estate owner authorizes the use of the
4 property as a waste tire site shall be attached to the application.
- 5 11. The name, address and telephone number of the waste tire hauler used to
6 haul or transport applicant's waste tires.

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8 B. Along with the application, the applicant must submit the following:

- 9 1. A valid permit from the state to operate a scrap tire site pursuant to
10 RSMo. 260.270. A copy of such permit with the following attachments
11 shall be provided to the Department at the time of registration;
- 12 2. Detailed site plans and operational plans containing the information
13 necessary to comply with the storage requirements of this article.
- 14 3. Plans for final disposition of the waste tires;
- 15 4. A contingency plan designed to minimize the hazards to human health
16 and the environment from fires, runoff of contaminants resulting from
17 fires and from mosquitoes in case of failure of the primary method of
18 vector control. The contingency plan shall include, but not be limited
19 to, the following items, as applicable:
- 20 i. The actions site personnel must take in response to fires,
21 runoff resulting from fires and mosquito breeding in
22 waste tires;
- 23 ii. An excavation plan for site personnel, in case of fire;

1 application shall be considered complete until the fee is paid. The fee shall not
2 be refunded under any circumstances.

3 B. The fee for each permit shall be as follows:

4 1. New waste tire site permit: \$250.00 per year.

5 2. Renewal of waste tire site permit: \$250.00 per year.

6 C. Every permit holder that has not submitted a renewal application before the
7 permit expires will be assessed a late fee. Late fees will be assessed according
8 to the following schedule:

9 30 days.....\$50.00

10 60 days.....\$100.00

11 90 days.....\$150.00

12 120 days... \$200.00

13 150 days... \$250.00

14 180 days... \$300.00

15 D. No permit fee shall be effective until approved by a simple majority of the
16 electors.

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18 **XV. Waste Tire Site Storage Requirements.**

19 The following storage requirements shall be met prior to registration as a waste tire site.

20 1. Fire prevention.

21 i. Whole waste tire storage shall meet the Standard for Storage of
22 Rubber Tires as adopted by the National Fire Protection Association
23 (NFPA).

- 1 ii. Cut, chipped or shredded waste tire storage shall meet the fire
2 prevention, exposure protection and fire fighting access guidelines
3 contained in the Standard for Storage of Rubber Tires as adopted by
4 the National Fire Protection Association (NFPA).
- 5 iii. Indoor storage of waste tires shall meet the requirements as adopted by
6 the National Fire Protection Association (NFPA). (Copies of the
7 NFPA standard for indoor and outdoor storage may be obtained by
8 contacting the NFPA, Po> Box 9101, Quincy, MA. 02269, 800-344-
9 3555.)
- 10 iv. Outdoor storage shall meet the requirements as adopted by the
11 National Fire Prevention Association (NFPA).
- 12 2. Runoff Protection. Surface water drainage must be diverted around and away
13 from waste tires.
- 14 3. Location. Waste tire sites shall be fenced or enclosed or otherwise made
15 inaccessible. Signs shall be posted to prohibit unauthorized entry (wording such
16 as “access Restricted to Authorized Haulers Only” may be used.)
- 17 4. Site control. Waste tire sites shall not be located in a wetland, sinkhole or
18 floodplain (unless protection is provided against at least a 50-year flood by
19 impervious dikes or other appropriate means to prevent the flood waters from
20 contracting the waste tires).
- 21 5. Vector control. Conditions shall be maintained that are unfavorable for the
22 harboring, feeding and breeding or vectors. If the method being used to control
23 vectors is not effective, the owner/operator of a waste tire site storing tires during

1 the period April 1 through October 31 shall use one or more of the following
2 methods of vector control:

3 1. Drain tires of water unless certified dry by the waste tire hauler and
4 kept dry within a building, enclosed trailer or under cover
5 impermeable to water. The cover shall be maintained to be
6 impermeable to water.

7 i. Tires received November 1 through March 31 that contain
8 water shall be drained of water by April 1.

9 ii. Tires received April 1 through October 31 that contain water
10 shall be drained of water within 24 hours of receipt.

11 2. Alter tires so as not to retain water. Tires received November 1
12 through March 31 shall be altered and drained of water by April 1.
13 Tires received April 1 through October 31 shall be altered and drained
14 of water upon receipt or be certified dry by the waste tire hauler. If
15 certified dry by the waste tire hauler, the tires shall be altered within
16 seven days of receipt.

17 3. Treat the tires with a larvicide and/or adulticide appropriate to prevent
18 the development of mosquito larvae and pupae and repeat treatment as
19 often as necessary to prevent such development, taking into account
20 the effectiveness and life of the larvicide and/or adulticide utilized.

21 iii. Larvicides and/or adulticides must be applied in accordance
22 with their label, Chapter 281 of the Revised Statutes of

1 Missouri and Missouri Department of Agriculture
2 regulations.

3 iv. The dimensions of the tire pile and the method of stacking
4 the tires shall allow for application of the larvicide and/or
5 adulticide to all tires; and

6 v. Alternate methods of vector control may be approved by the
7 Department if documented to control larvae, pupae and adult
8 mosquitoes.

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10 **XVI. Suspension and Revocation of Permits.**

11 A. Suspension. If the Commissioner holds a hearing in accordance with this
12 ordinance and finds that a permit holder has violated any provision of this
13 ordinance or any regulation properly issued by the Commissioner, the
14 Commissioner may suspend the permit issued under this ordinance for a period
15 not to exceed 90 days.

16 B. Revocation. The Commissioner may revoke the permit if, following a hearing
17 held in accordance with the section below, he finds that:

18 1. A permit holder has violated three or more provisions of this ordinance or
19 any regulation properly issued by the Commissioner; or

20 2. A permit was obtained by misrepresentation or fraud, including knowingly
21 providing false information; or

22 3. A permit holder has violated the provisions of the cease sales list as
23 established in this ordinance.

1 4. A permit holder has failed to pay for more than 60 days any fines or fees
2 pursuant to this article.

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4 **XVII. Hearing.**

5 A. Whenever the Commissioner has knowledge of any action or condition which
6 would constitute ground for the suspension or revocation of any permit issued
7 under this ordinance, or other reasonable cause to believe such grounds exist, the
8 Commissioner shall cause a hearing to be held to ascertain all facts in the matter
9 and determine whether or not the permit should be suspended or revoked. Not less
10 than 15 days prior, written notice shall be served on the person holding such
11 permit and the permit holder's agent by personal service or mailed by certified or
12 registered mail to them at their last known business or residence address, setting
13 out the reason for the hearing and the conditions under which the hearing will be
14 held. The permit holder shall have full right to be represented by counsel, to
15 produce witnesses, and to cross examine all witnesses who may appear against
16 him. All procedures in such hearings shall be recorded stenographically,
17 mechanically or electronically or by a combination thereof and shall be
18 transcribed at the expense of the party requesting the transcription. Subpoenas
19 shall be issued by the Commissioner for any witness whose presence is desired at
20 any hearing or proceeding to suspend or revoke a permit. Such subpoenas shall be
21 served and return thereon shall be made in the same manner provided by law in
22 civil suits in the circuit court of this state.

1 B. Witnesses may also appear voluntarily at such hearings and testify. Before any
2 witness shall testify in any such hearing, he shall be sworn in to tell the truth and
3 nothing but the truth. The Decision and Order shall be in writing, and shall
4 include findings of fact and conclusions of law. No suspension or revocation
5 ordered by the Commissioner following a hearing in accordance with this section
6 can become effective until 10 days after the Decision and Order has been issued.

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8 **XVIII. Judicial Review of Suspension and Revocation of Permits.**

9 A permittee affected by the action of the Commissioner whereby a permit has been
10 suspended or revoked under this article may seek judicial review in the manner provided
11 by Chapter 536 RSMo.

12

13 **XIX. Informal Disposition of Contested Cases.**

14 Nothing contained in this ordinance shall preclude the Commissioner from reaching an
15 informal disposition with a permit holder or the permit holder's agent of contested cases
16 by stipulation, consent order, or by agreed settlement.

17

18 **XX. Cease Sales List.**

19 Anytime a person's permit has been suspended or revoked, the person shall be placed on
20 a cease sales list during which time the person is prohibited from buying or selling new or
21 used tires.

22

23 **XXI. Penalty for Violation of Article.**

1 A. Any person convicted of a violation of this article shall be punished for that
2 violation by a fine of not less than \$100.00, but not more than the amount allowed
3 by the Charter of the City of St. Louis. All fines imposed shall be in accordance
4 with the minimum fine schedule set out in subsection C. of this section.

5 B. Every day that a violation continues shall be considered a separate offense, for
6 which the violator may be assessed an additional fine.

7 C. Whenever the penalty is to be a fine, the fine shall be no less than the minimum
8 amount set out in the following schedule:

9 D. First offense..... \$100.00

10 E. Subsequent offenses.....\$500.00

11

12 **XXII. Authority to Prescribe Additional Rules and Regulations.**

13 The Commissioner is authorized to make and promulgate reasonable and necessary rules
14 and regulations to carry our provisions of this article. A copy of all such rules and
15 regulations shall be filed in the office of the Commissioner.

16

17 **XXIII. Severability.**

18 The provisions of this ordinance are severable. If any part of this ordinance is declared
19 invalid or unconstitutional, that declaration shall not affect the part which remains.

20

21 **XXIV. Emergency Provision.**

22 This being an ordinance for the preservation of public peace, health and safety, it is
23 hereby declared to be an emergency measure within the meaning of Section 19 and 20 of

1 Article VI of the Charter of the City of St. Louis and shall become effective immediately
2 upon its approval by the Mayor.

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