

1 **BOARD BILL NO. 173 INTRODUCED BY: ALDERMAN STEPHEN CONWAY**

2 An ordinance pertaining to enforcement of code violations relating to the health and safety (ie.  
3 environmental sanitation issues, animals, nuisances, hazardous materials, air pollution,  
4 businesses, buildings and premises) in the City of St. Louis; establishing an administrative  
5 procedure under the provisions of Section 479.011 RSMo (2009) to enforce compliance with the  
6 provisions of the regulatory codes relating to health and safety; containing a penalty clause and  
7 an effective date.

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

9 **SECTION ONE.** It shall be unlawful for any person, firm or corporation to be in conflict with  
10 or in violation of any of the provisions of any regulatory code relating to health and safety in the  
11 City of St. Louis as such codes exist at the time of the effective date of this ordinance and as  
12 such codes may be amended in the future.

13 **SECTION TWO.** This ordinance should not be construed in any way as in contravention of the  
14 duties and powers of the Health Commissioner relative to the condemnation and abatement of  
15 any matter which may constitute a nuisance or eminent health hazard, and shall not negate or  
16 preclude the availability of any other remedies for violation of any other City of St. Louis  
17 Ordinance that might be applicable.

18 **SECTION THREE.** Whenever the health official determines that there has been a violation of  
19 any regulatory code relating to health and safety or has grounds to believe that a violation has

1 occurred, notice shall be given to the owner or the person or persons responsible therefore in the  
2 following manner;

3 Such notice shall:

4 1. Be in writing;

5 2. Include a description of the real estate sufficient for identification when applicable;

6 3. Include a statement of the violation or violations and why the notice is being issued;

7 4. If applicable, include a correction order allowing a reasonable time to make the repairs, abate  
8 nuisances, or other action necessary to become compliant with the provisions of applicable code;  
9 and

10 5. Inform the property owner or person responsible of the right to appeal.

11 The notice shall be directed to the owner or owners of such building, structure or premise as  
12 recorded most recently in the City of Saint Louis Assessor's Office and/or the person or persons  
13 responsible for violating the regulatory code. The notice shall be served in one of the following  
14 ways:

15 1. Delivered personally to owner or owners and/or the person or persons responsible; or

16 2. By mailing a copy of said notice by regular mail, postage prepaid, direct to the owner or  
17 owners or the person or persons responsible.

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1 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be  
2 posted in a conspicuous place in or about the building, structure or premise affected by such  
3 notice;

4 **SECTION FOUR.**

5 A. If the notice of violation is not complied with, the health official shall have the authority to  
6 issue an administrative citation to any person responsible for the violation.

7 B. Each administrative citation shall contain the following information:

8 1. The date of the violation or, if the date of the violation is unknown, then the date the violation  
9 is identified;

10 2. The address or a definite description of the location where the violation occurred;

11 3. The section of the applicable code violated and a description of the violation;

12 4. The amount of the fine for the code violation;

13 5. A description of the fine payment process, including a description of the time within which  
14 and the place to which the fine shall be paid;

15 6. An order prohibiting the continuation or repeated occurrence of the code violation described in  
16 the administrative citation;

1 7. A description of the administrative citation review process, including the time within which  
2 the administrative citation may be contested and the place from which a request for hearing form  
3 to contest the administrative citation may be obtained; and

4 8. The name and signature of the citing health official.

5 **SECTION FIVE.**

6 A. The administrative citation fine amount for a first violation under the provisions of this  
7 ordinance shall be Fifty Dollars (\$50.00).

8 B. The administrative citation fine for repeat violations of the same code provision by the same  
9 person at the same property within twelve months from the date of the first administrative  
10 citation shall be One Hundred Dollars (\$100).

11 C. Any administrative citation fine which is not paid on or before its due date shall accrue a  
12 penalty in an amount equal to the original administrative citation fine. Said penalty shall be  
13 collected in the same manner as the underlying fine.

14 **SECTION SIX.**

15 A. The fine shall be paid to the city within thirty days from the date of the administrative  
16 citation.

17 B. Any administrative citation fine paid pursuant to subsection A. shall be refunded if it is  
18 determined, after a hearing, that the person charged in the administrative citation was not

1 responsible for the violation or that there was no violation as charged in the administrative  
2 citation.

3 C. Payment of a fine under this ordinance shall not excuse or discharge any continuation or  
4 repeated occurrence of the code violation that is the subject of the administrative citation.

5 **SECTION SEVEN.**

6 A. Any recipient of an administrative citation may contest that there was a violation of the code  
7 or that he or she is the responsible party by completing a Request for Administrative Hearing  
8 petition and returning it to the Department of Health, Bureau of Environmental Health Services,  
9 along with a non-refundable filing fee of \$20.00, within thirty days from the date of the  
10 administrative citation.

11 B. A Request for Administrative Hearing petition may be obtained from the Department of  
12 Health, Bureau of Environmental Health Services

13 C. The person requesting the hearing shall be notified of the time and place set for the hearing at  
14 least ten days prior to the date of the hearing.

15 D. If the health official submits an additional written report concerning the administrative  
16 citation to the hearing officer for consideration at the hearing, then a copy of this report also shall  
17 be served on the person requesting the hearing at least five days prior to the date of the hearing.

18 **SECTION EIGHT.** The Health Commissioner's designee or Chief of Environmental Health  
19 Services shall designate the hearing officer for the administrative hearing.

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1    **SECTION NINE.**

2    A. A hearing before the hearing officer shall be set for a date that is not less than fifteen (15)  
3    days and not more than ninety (90) days from the date that the request for hearing is filed in  
4    accordance with the provisions of this ordinance.

5    B. At the hearing, the party contesting the administrative citation shall be given the opportunity  
6    to testify, and to present evidence concerning the administrative citation, and the party contesting  
7    the administrative citation may be represented by counsel at any hearing, though this is not a  
8    requirement.

9    C. The failure of any recipient of an administrative citation to appear at the administrative  
10   citation hearing shall constitute a failure to exhaust their administrative remedies.

11   D. The code violation notice, property record, and related documentation in the proper form, or a  
12   copy thereof, shall be prima facie evidence of the municipal code violation. The health official  
13   who issued the notice of violation need not be present.

14   E. The hearing officer may continue the hearing and request additional information from the  
15   health official or the recipient of the administrative citation prior to issuing a written decision.

16   **SECTION TEN.**

17   A. After considering all of the testimony and evidence submitted at the hearing, the hearing  
18   officer shall issue a written decision to uphold or cancel the administrative citation and shall list

1 in the decision the reasons for that decision. The decision of the hearing officer shall be  
2 considered a final decision.

3 B. If the hearing officer determines that the administrative citation should be upheld the hearing  
4 officer shall set forth in the decision a payment schedule for the fine.

5 C. If the hearing officer determines that the administrative citation should be canceled and the  
6 fine was deposited with the city, then the city shall promptly refund the amount of the deposited  
7 fine, together with interest at the average rate earned on the city's portfolio for the period of time  
8 that the fine amount was held by the city.

9 D. The recipient of the administrative citation shall be served with a copy of the hearing officer's  
10 written decision.

11 **SECTION ELEVEN.** Any person who fails to pay to the city any fine imposed pursuant to the  
12 provisions of this ordinance on or before the date that fine is due also shall be liable for the  
13 payment of any applicable late payment charges set forth in the schedule of fines.

14 **SECTION TWELVE.**

15 A. The hearing officer may not impose incarceration or any fine in excess of the amount allowed  
16 by the schedule of fines. Any sanction, fine or costs, or part of any fine, other sanction, or costs,  
17 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures  
18 under Chapter 536 RSMo , shall be a debt due and owing the city, and may be collected in  
19 accordance with applicable law.

1 B. Any final decision or disposition of a code violation by a hearing officer shall constitute a  
2 final determination for purposes of judicial review, subject to review under Chapter 536 RSMo.  
3 After expiration of the judicial review period under Chapter 536 RSMo., and after expiration of  
4 the ten day period allowed to the defendant under 479.011 RSMo. to request a trial de novo in  
5 the Circuit Court, unless stayed by a court of competent jurisdiction, the administrative tribunal's  
6 decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered  
7 by a court of competent jurisdiction. Upon being recorded in the manner required by state law or  
8 the Uniform Commercial Code, a lien may be imposed on the real or personal property of any  
9 defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal  
10 code violation in the amount of any debt due the city under this section and enforced in the same  
11 manner as a judgment lien under a judgment of a court of competent jurisdiction.

12 **SECTION THIRTEEN.** Effective date.

13 The provisions of this ordinance shall become effective One Hundred and Eighty (180) days  
14 after its passage and approval by the mayor.

15 **EXHIBIT A**

16 **SCHEDULE OF ADMINISTRATIVE FINES**

17 **SECTION 1. STANDARD FINE:**

18 Except as otherwise specifically set forth in Section 2 below, the administrative citation fine  
19 amount for a first violation of the City of St. Louis Revised Code or Ordinance, or State  
20 Regulation shall be Fifty and no/100 Dollars (\$50.00).

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1 **SECTION 2. NONSTANDARD FINES:**

2 The administrative citation fine amounts set forth below are hereby established for violation(s) of  
 3 the City of St. Louis Revised Code or Ordinance, or State Regulation sections listed below:

Section	Offense	Administrative citation fine
10.04.050	No Vaccination-Registration Certificate	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.060	No Rabies Vaccination Tag	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.220	Unleashed or Loose Dog	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.100	Unauthorized Use of Registration Tag	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.225	Unleashed or Loose Cat	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.230	Refusal to Surrender Biting Dog	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.270	Failure to Comply with Dangerous Dog Registration	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.280	Dogfighting	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.285	Violation of Tethering, Confinement and Treatment of Dogs and Cats on Owner/Guardian's Property	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.04.310	Failure to Remove Dog Feces	\$100 1 <sup>st</sup> Offense, \$300 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
10.12.010	Cruelty to Animal(s)	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
10.20.015 & 10.20.020	Possession of Prohibited Animals	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
10.20.011	More than 4 animals without kennel permit	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent

11.08.020	No fumigation permit	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
11.02.365 and 11.08.510	Illegal dumping of waste, refuse, inert matter, or demolition material	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
11.08.420	Permitting or Allowing Rat Infestation	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
11.08.520	Accumulation of garbage and rubbish	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
11.32.070	Smoking in building owned, leased, or operated by the City of St. Louis. First occurrence.	\$50 1 <sup>st</sup> Offense, \$200 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
Ord. #68481 Section 12.1	Person who owns, manages, operates, or otherwise controls a public place or place of employment fails to comply with Smoke Free Air Act.	\$100 1 <sup>st</sup> Offense, \$200 2 <sup>nd</sup> , \$500 3 <sup>rd</sup> and Subsequent
Ord. #68481 Section 12.2	Person who smokes in an area where smoking is prohibited by the provisions of the Smoke Free Air Act.	\$50.00
11.34.120	Excessive Emissions/Vapor Recovery Violation	\$100.00
11.34.250Q	NOV Inspection	\$100.00
11.35.010	Conducting asbestos inspection or abatement without health permit	\$500.00
11.40.010 and 11.48.120	Manufacturing, producing, selling or offer for sale diseased, corrupted, adulterated, or unwholesome food or drink	\$500.00
Ord. #68597 10-101.43G	Operating a food establishment without required health permit and/or Violation of Health Commissioner's Orders of Cessation	\$500.00
Ord. #68597 10-101.41	Refusal or Interference with inspection or sampling of food establishment.	\$500.00
Ord. #68597 10-101.38C	Removal or covering of posted Grade or Health Commissioner's Order	\$500.00
11.58.160	Refusal or Interference with sanitary inspection of any premises for discovery or abatement of nuisance	\$250.00
25.32.250	Insufficient Heat/No heat	\$100, \$250 during cold weather warnings

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ES 504.1	No Water	\$250 1 <sup>st</sup> Offense, \$500 2 <sup>nd</sup> and Subsequent
19 CSR 20-3.050	Operating a lodging establishment without State License	\$500.00

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3 **SECTION THREE. REPEAT VIOLATIONS.**

4 The Administrative Citation fine for repeat violations of the same code provision by the same  
5 person at the same property within twelve months from the date of the first administrative  
6 citation shall be One Hundred and no/100 Dollars (\$100.00). Violations listed in Section 2 will  
7 be fined as listed in Section 2.

8 **SECTION FOUR. LATE PENALTY**

9 Any Administrative Citation fine which is not paid on or before its due date shall accrue a  
10 penalty in an amount equal to the original Administrative Citation fine. Said penalty shall be  
11 collected in the same manner as the underlying fine.

12