

1 **BOARD BILL NO. 209 INTRODUCED BY: ALDERMAN CRAIG SCHMID**

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

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

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

15 **WHEREAS**, such preservation, stabilization and improvement of the value of
16 property affects the value of the property and the value of neighboring property and
17 enhances the quality of life for all; and

18 **WHEREAS**, such preservation increases commerce and prosperity by the
19 protection of the value and amenity of property, promotes the tourist trade, civic pride,
20 and promotes wider public knowledge and appreciation of the heritage of the City of St.
21 Louis; and

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

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

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

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

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

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

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

6 **SECTION ONE:** Ballot measure.

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

10 The ballot measure is to read as follows:

11 Shall the City of St. Louis Ordinances #68831 (Electrical Code), #69255
12 (Plumbing Code) and #68639 (Mechanical Code) be amended to add a fee of \$4 per
13 \$1000 of the estimated cost of the permitted project or mathematical fraction thereof to
14 be earmarked and transferred, \$2 to the Historic Building Stabilization Fund and \$2 to the
15 Special Demolition Fund?

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

17 Upon passage of the Ballot measure set forth in Section One, the Comptroller is
18 authorized and directed to establish a fund to be designated as the “Historic Building
19 Stabilization Fund” for the purpose of addressing stabilization of historic buildings such
20 that they will be protected from further significant decay and endangering the public. All
21 interest earned by the funds deposited in such special account shall be retained in the

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1 account to be appropriated according to provisions of this ordinance. All expenditures
2 from such fund shall be appropriated in accordance with applicable law.

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

4 The Comptroller, upon receipt of funds designated for the “Historic Building
5 Stabilization Fund” remitted by the Permit Department of the Building Division shall
6 place said receipted payments in the “Historic Building Stabilization Fund” established in
7 Section Two.

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

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

12 **SECTION FIVE:**

13 The Comptroller, upon receipt of such fee payments remitted by the Permit
14 Department of the designated \$2 per \$1000 of the estimated cost of the applicable
15 permitted project for the “Historical Building Stabilization Fund” and \$2 per \$1000 of the
16 estimated cost of the applicable permitted project for the Special Demolition Fund, and
17 shall place said receipted payments in the “Historical Building Stabilization Fund”
18 established in Section Two and the Special Demolition Fund, respectively.

19 **SECTION SIX:** Establishment of the Historic Building Stabilization Fund
20 Committee.

21 A. There is hereby established by this ordinance a Historic Building
22 Stabilization Fund Committee, which shall consist of six voting members appointed by

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1 the Mayor and one Aldermanic member; the makeup of the membership shall be as
2 follows: two shall be citizen members, one of whom will represent the St. Louis
3 Landmarks Association and one of whom will represent the St. Louis Chapter of the
4 American Institute of Architects, five shall be the following City Officials or their
5 designated representatives: the Building Commissioner, who will be the Chair of the
6 Committee, the Director of the Cultural Resource Office, the Director of the Planning and
7 Urban Design Agency, the Executive Director of the St. Louis Development Corporation
8 and the Chairman of the Public Safety Committee of the Board of Aldermen of the City
9 of St. Louis. All members must be residents of the City of St. Louis.

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

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

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

18 **SECTION SEVEN:** Historic Building Stabilization Fund Committee powers and
19 duties.

20 A. The Historic Building Stabilization Fund Committee shall be an advisory
21 committee to provide the Building Commissioner with recommendations as to which
22 properties will be repaired and/or maintained, with monies in the Historic Building

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1 Stabilization Fund, and what actions are most appropriate with respect to individual
2 properties.

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

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

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

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1 Section 119 the Building Commissioner to condemn properties, and to correct, remove or
2 abate violations on condemned properties.

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

7 1. Delivering directly to owner(s) in person, by personal service, or by
8 certified mail; or

9 2. Posting a copy of said notice upon the building, structure or premises; or

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

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

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

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

19 H. The Historic Building Stabilization Fund Committee may make and adopt,
20 and from time to time amend, rules and bylaws governing the conduct of its business and
21 providing for the administration of the ordinance, subject to the approval of the Building

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1 Commissioner; the first such version shall be generated by the Committee within ninety
2 (90) days of its establishment.

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

5 J. The contracts awarded by the Building Commissioner under the Historic
6 Building Stabilization Fund will be awarded to independent contractors, who are not
7 direct employees of, nor agents of the City of St. Louis. Any damage claims that should
8 arise as a result of work or demolition performed by such independent contractors must
9 be made directly against the independent contractor's insurance company. The City of
10 St. Louis shall be held harmless.

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

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

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

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

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

10 **SECTION ELEVEN.** Liens.

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

20 **SECTION TWELVE.** Severability.

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

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