

1 **BOARD BILL NO. 69 INTRODUCED BY ALDERWOMAN CARA**
2 **SPENCER, ALDERMAN SAMUEL MOORE, ALDERMAN CHRIS CARTER,**
3 **ALDERMAN SHANE COHN**

4 An ordinance amending the Revised Code of the City of St. Louis by amending
5 Section 26.08.384 (and Section 3 of Ordinance 68185) and adding a new Section, titled
6 the “City of St. Louis Short-Term Lending Code,” pertaining to the regulation of Short-
7 Term Loan Establishments, as defined herein.

8 **WHEREAS**, the Board of Aldermen has received information causing it to
9 conclude that the lending and marketing practices of Short-Term Loan Establishments, as
10 defined herein, can result in serious financial hardships to some of its citizens,
11 particularly its elderly and low income citizens, from which they cannot extract
12 themselves; can perpetuate poverty; can perpetuate the dependency upon public financial
13 assistance, housing, health care, and social services; and can perpetuate the physical and
14 emotional deterioration of our neighborhoods; and

15 **WHEREAS**, the Board of Aldermen has received information causing it to
16 conclude that the proliferation and evolution over the past several years of Short-Term
17 Loan Establishments both in the City as a whole and, more particularly, in certain areas
18 of the City, cause or contribute to the deterioration of certain of the City’s commercial
19 and residential areas; and

20 **WHEREAS**, the Board of Aldermen has received information that the patterns of
21 this proliferation and evolution suggest the industry targets low-income citizens, who are

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1 most likely to suffer financial hardship as a result of the lending practices and small loan
2 products offered by Short-Term Loan Establishments; and

3 **WHEREAS**, the Board of Aldermen recognizes that the City of St. Louis
4 currently regulates Short-Term Loan Establishments in certain regards but further
5 recognizes that those City regulations have not adapted to the evolving nature of the
6 establishments' terms and conditions, and have effectively avoided the spirit and intent of
7 the Zoning Code as written; and

8 **WHEREAS**, the Board of Aldermen recognizes that the State of Missouri
9 regulates Short-Term Loan Establishments in certain regards but further recognizes that
10 those State regulations do not meet the level of restriction seen in adjacent states, nor do
11 they adequately protect the City's citizens from certain lending and marketing practices
12 of Short-Term Loan Establishments, nor do they adequately protect the City's
13 commercial and residential neighborhoods from the deteriorating effects of the presence
14 and proliferation of Short-Term Loan Establishments; and

15 **WHEREAS**, the Board of Aldermen believes that the City has the authority to
16 further regulate Short-Term Loan Establishments in the manner set out below; and

17 **WHEREAS**, the Board of Aldermen finds that the further regulation of Short-
18 Term Loan Establishments is necessary for the promotion and protection of the public
19 health, safety, and welfare of its citizens, its interests, and those of its citizens, in
20 maintaining the quality of its commercial and residential neighborhoods and its interests
21 in maintaining its tax base.

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

2 **SECTION 1. Title of ordinance.**

3 This Ordinance shall be known as the “City of St. Louis Short-Term Lending
4 Code” or the “Short-Term Lending Code.”

5 **SECTION 2. Amendment of Section 26.08.384 and Ordinance 68185.**

6 Section 3 of Ordinance 68185, codified in Section 26.08.384 of the Revised Code
7 of the City of St. Louis is hereby amended as follows:

8 **26.08.384 - Short-Term Loan Establishment.**

9 ~~A business engaged in providing short term loans to members of
10 the general public as an element of its operation and which is not licensed
11 by the appropriate state or federal agency as a bank, savings
12 and loan association, or credit union. Short term loan establishments shall
13 include businesses offering title loans, payday loans, signature loans,
14 small loans, pawnshops, and other similar businesses.~~

15 **Short-Term Loan Establishment means an establishment which**
16 **(a) engages in the business of providing money to customers on a**
17 **temporary basis, wherein such loans are secured by post-dated check,**
18 **paycheck, or car title, or (b) is registered as a lender under state or**
19 **federal law. The classification does not include a state or federally**
20 **chartered bank, savings and loan association, credit union, or**
21 **mortgage broker or originator. Further, this classification does not**

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1 include establishments selling consumer goods, including
2 consumables, where the loans or the cashing of checks or money
3 orders are incidental to the main purpose of the business, except that
4 this classification does include pawnbrokers. This classification does
5 include, but is not limited to, check cashing stores, payday loan stores,
6 and car title loan stores.

7 ~~Short term loan establishments~~ **Short-**
8 **Term Loan Establishments** are not permitted in zoning districts "A,"
9 "B," "C," "D," "E," "F," and "L" and may be permitted as conditional uses
10 in zoning districts "G," "H," "I," "J," and "K".

11 No permit shall be issued for any ~~short term loan establishment~~
12 **Short-Term Loan Establishment** that is located within 5,280 feet of any
13 other ~~short term loan establishment~~ **Short-Term Loan Establishment**
14 and/or check-cashing establishment, or within five hundred (500) feet of
15 any premises used as a dwelling including, but not limited to, a single-
16 family dwelling, a two-family dwelling, a multi-family dwelling, a town
17 home, or a semi-attached two-family, or within five hundred (500) feet of
18 any structure used as elementary or secondary schools.

19 **SECTION 3. Enactment of the Short-Term Lending Code**

20 The following Short-Term Lending Code is hereby enacted and shall be codified
21 in a suitable location in the Revised Code of the City of St. Louis:

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1 **ARTICLE I. GENERAL**

2 **1. Legislative findings.**

3 The Board of Aldermen finds and concludes the following:

4 (a) That the lending and marketing practices of Short-Term
5 Loan Establishments, as defined herein, can result in serious
6 financial hardships to some of its citizens, particularly its elderly
7 and low income citizens, from which they cannot extract
8 themselves; can perpetuate poverty; and can perpetuate the
9 dependency upon public financial assistance, housing, health care
10 and social services;

11 (b) That the proliferation over the past several years of Short-
12 Term Loan Establishments both in the City as a whole and, more
13 particularly, in certain areas of the City, cause or contribute to the
14 deterioration of certain of the City’s commercial and residential
15 areas;

16 (c) That the patterns of this proliferation suggest the industry
17 targets low-income citizens most likely to suffer financial hardship
18 as a result of the lending practices and small-loan products offered
19 by Short-Term Loan Establishments; and

20 (d) That the further regulation of Short-Term Loan
21 Establishments is necessary for the promotion and protection of:

1 the public health, safety, and welfare of the City’s citizens; the
2 City’s interests, and those of its citizens, in maintaining the quality
3 of its commercial and residential neighborhoods; and the City’s
4 interests in maintaining its tax base.

5 **2. Definitions.**

6 The following words, when used in the Short-Term Lending Code,
7 shall have the meanings ascribed to them in this section, except where the
8 context clearly indicates a different meaning:

9 *Commissioner* means the commissioner of the Building
10 Division of the City of St. Louis or a person designated by the
11 commissioner.

12 *Permittee* means any individual, firm, association, corporation,
13 partnership, association or organization holding a permit issued by
14 the commissioner pursuant to the Short-Term Lending Code to
15 operate a Short-Term Loan Establishment.

16 *Premises* means the bounds of the enclosure where a Short-
17 Term Loan Establishment conducts business and includes parking
18 lots and other adjacent private property occupied by or used in
19 connection with the business.

20 *Short-Term Loan Establishment* means an establishment which
21 (a) engages in the business of providing money to customers on a

1 temporary basis, wherein such loans are secured by post-dated
2 check, paycheck, or car title, or (b) is registered as a lender under
3 state or federal law. The classification does not include a state or
4 federally chartered bank, savings and loan association, credit
5 union, or mortgage broker or originator. Further, this classification
6 does not include establishments selling consumer goods, including
7 consumables, where the loans or the cashing of checks or money
8 orders are incidental to the main purpose of the business. This
9 classification does include, but is not limited to, check cashing
10 stores, payday loan stores, and car title loan stores.

11 **3. Applicability of other regulations; conflicting provisions.**

12 (a) In the event of a conflict between the provisions of the Short-
13 Term Lending Code and other ordinances or other parts of the Revised
14 Code of the City of St. Louis, the provisions of the Short-Term Lending
15 Code shall control.

16 (b) The permit and fees required by the Short-Term Lending
17 Code shall be in addition to any other licenses and fees required by the
18 Revised Code of the City of St. Louis.

19 (c) The permit fees required by the Short-Term Lending Code
20 are to defray the costs of investigating and processing the applications for
21 the permits, of any enforcement efforts required by the Short-Term

1 Lending Code, and to the public for the economic damage of a
2 proliferation of short term loans.

3 **4. Permit required.**

4 Within sixty (60) days of the effective date of this ordinance, it
5 shall be unlawful for any individual, firm, association, corporation,
6 partnership or organization:

7 (a) to operate or maintain a Short-Term Loan Establishment in
8 the City unless the owner, operator or lessee thereof has applied for
9 and obtained a Short-Term Loan Establishment permit from the
10 City, or

11 (b) to operate such business after such permit has expired or
12 has been revoked or suspended by the City.

13 A permit shall be required for each location at which a Short-Term
14 Loan Establishment operates in the City; even a location within another
15 business operation. A permit shall be valid for a period of time of one
16 calendar year (or the remaining portion of a calendar year) and must be
17 renewed annually. This permit shall be in addition to any other permit or
18 license required by other local, state or federal government agencies. No
19 permit shall be issued for any business seeking to operate at a location
20 prohibited by any applicable local, state or federal law, statute, ordinance,
21 rule or regulation; provided, however, that a business lawfully in existence

1 on the date of adoption of such prohibition may be issued a permit if
2 allowed by such provisions.

3 **5. Permit duration; renewal; fees.**

4 (a) Permits for the operation of a Short-Term Loan Establishment
5 shall be annual permits which expire on December 31 of each year. Each
6 permit shall include the name of the permit holder and address of the
7 premises. Permits in good standing on the date of their expiration shall be
8 eligible for renewal. The application for a permit shall be accompanied by
9 payment in full of the fee stated in this section, by cash, certified or
10 cashiers check, or money order. No application shall be considered
11 complete until the fee is paid. The fee shall not be refunded under any
12 circumstances.

13 (b) The fee for each permit shall be as follows:

14 (1) New Short-Term Loan Establishment permit:
15 \$10,000.00 per year or \$5,000.00 if less than six (6) months
16 remaining in the calendar year.

17 (2) Renewal of Short-Term Loan Establishment permit:
18 \$10,000.00 per year.

19 (c) No fees will be effective until approved by a simple majority of
20 the City's electors.

21 **6. Inspections.**

1 distinct offense. The penalties provided in this section are in addition to,
2 and are separate from, any administrative actions by the commissioner to
3 suspend, revoke or disapprove renewal of a permit issued under the Short-
4 Term Lending Code.

5 **8.1. Alternative administrative citation fine for violation of Short-**
6 **Term Lending Code.**

7 (a) The administrative citation fine amount for a first violation
8 under the provisions of the Short-Term Lending Code shall be \$125.00,
9 and each day that a violation continues shall constitute a separate offense
10 for which the violator may be fined.

11 (b) The administrative citation fine for repeat violations of the
12 same code provision by the same person at the same property within
13 twelve months from the date of the first administrative citation shall be
14 \$250.00, and each day that a violation continues shall constitute a separate
15 offense for which the violator may be fined.

16 (c) Any administrative citation fine which is not paid on or before
17 its due date shall accrue a penalty in an amount equal to the original
18 administrative citation fine. Said penalty shall be collected in the same
19 manner as the underlying fine.

20 **8.2. Payment of administrative citation fine.**

21 (a) The alleged violator must either pay the scheduled civil fine or

1 request a hearing within ten (10) days from the date of the administrative
2 citation.

3 (b) Any administrative citation fine paid pursuant to subsection (a)
4 and the administrative hearing filing fee paid shall be refunded if it is
5 determined, after a hearing, that the person charged in the administrative
6 citation was not responsible for the violation or that there was no violation
7 as charged in the administrative citation.

8 (c) Payment of a fine under the Short-Term Lending Code shall not
9 excuse or discharge any continuation or repeated occurrence of the code
10 violation that is the subject of the administrative citation.

11 (d) If a civil fine is not paid within the time specified and no
12 request for a hearing is timely received, the nonpayment of the civil fine
13 will constitute a personal obligation of the violator. A personal obligation
14 may be collected by the city by any appropriate legal means.

15 **8.3. Administrative citation.**

16 (a) Each administrative citation shall contain the following
17 information:

- 18 (1) The date the violation is identified;
- 19 (2) The address or a definite description of the location
20 where the violation occurred;
- 21 (3) The section of the Short-Term Lending Code violated

- 1 and a description of the violation;
- 2 (4) The amount of the fine for the violation;
- 3 (5) A description of the fine payment process, including a
- 4 description of the time within which and the place to
- 5 which the fine shall be paid;
- 6 (6) A description of the administrative citation review
- 7 process, including the time within which the
- 8 administrative citation may be contested and the place
- 9 from which a request for hearing form to contest the
- 10 administrative citation may be obtained; and
- 11 (7) The name and signature of the citing code enforcement
- 12 officer.

13 (b) Each administrative citation shall be served as provided in

14 section 48-63(a)(6).

15 **8.4. Request for administrative hearing.**

16 (a) Any recipient of an administrative citation may contest that

17 there was a violation of the Code or that he or she is the responsible party

18 by completing a request for administrative hearing petition and returning it

19 to the commissioner, along with a filing fee of \$20.00, within ten (10)

20 days from the date of the administrative citation.

21 (b) A request for administrative hearing petition may be obtained

1 from the Regulated Industries Division.

2 (c) The person requesting the hearing shall be notified of the time
3 and place set for the hearing at least ten (10) days prior to the date of the
4 hearing.

5 (d) If the code enforcement officer submits an additional written
6 report concerning the administrative citation to the hearing officer for
7 consideration at the hearing, then a copy of this report also shall be served
8 on the person requesting the hearing at least five (5) days prior to the date
9 of the hearing.

10 **8.5. Hearing Officer designated.**

11 The City, through its commissioner, shall designate and supervise
12 the Hearing Officer for the administrative hearing. The Hearing Officer
13 shall be an attorney licensed to practice law in the State of Missouri.

14 **8-6. Hearing.**

15 A hearing before the Hearing Officer shall be set for a date that is
16 not less than ten (10) days and not more than forty-five (45) days from the
17 date that the request for hearing is filed in accordance with the provisions
18 of the Short-Term Lending Code.

19 **8.7. Administrative hearing procedures.**

20 (a) At the hearing on the record, the party contesting the
21 administrative citation shall be given the opportunity to testify and to

1 present evidence concerning the administrative citation.

2 (b) The code violation notice, property record, and related
3 documentation in the proper form shall be prima facie evidence of the
4 municipal code violation. A department employee shall present the City's
5 case, although the enforcement officer who issued the notice of violation
6 need not be present.

7 (c) The Hearing Officer may continue the hearing to a later date to
8 request that additional information from the enforcement officer or the
9 recipient of the administrative citation be presented by the appropriate
10 parties prior to issuing a written decision.

11 **8.8. Written decision.**

12 (a) After considering all of the testimony and evidence submitted
13 at the hearing, the Hearing Officer shall issue a written decision to uphold
14 or cancel the administrative citation and shall list in the decision the
15 reasons for that decision. The Hearing Officer shall also have the authority
16 to reduce or waive a scheduled fine upon compliance with certain
17 conditions.

18 (b) If the Hearing Officer determines that the administrative
19 citation should be upheld, the Hearing Officer shall set forth in the
20 decision a payment schedule for the fine if it has not already been paid. If
21 the Hearing Officer determines that the administrative citation should be

1 withdrawn and the fine was deposited with the City, the City shall refund
2 the amount of the deposited fine as well as the administrative hearing
3 filing fee.

4 (c) The recipient of the administrative citation shall be served with
5 a copy of the Hearing Officers written decision.

6 (d) The decision of the Hearing Officer shall be final without any
7 further right of administrative appeal other than as provided in Chapter
8 536, RSMo.

9 **8.9. Final decision by Hearing Officer.**

10 (a) The Hearing Officer may not impose incarceration or any fine
11 in excess of the amount allowed by the schedule of fines. Any fine or
12 costs, or part of any fine or costs, remaining unpaid after the exhaustion of
13 or the failure to exhaust judicial review procedures under Chapter 536,
14 RSMo, shall be a debt due and owing the City, and may be collected in
15 accordance with applicable law.

16 (b) Any decision or judgment by the Hearing Officer may be
17 enforced pursuant to the provisions of Chapter 479, RSMo.

18 (c) Any final decision or disposition of a code violation by a
19 Hearing Officer shall constitute a final determination for purposes of
20 judicial review. Such determination is subject to review under Chapter
21 536, RSMo, or, at the request of the defendant made within ten (10) days,

1 a trial de novo in the circuit court. After expiration of the judicial review
2 period under Chapter 536, RSMo, unless stayed by a court of competent
3 jurisdiction, the Hearing Officer's decisions, findings, rules, and orders
4 may be enforced in the same manner as a judgment entered by a court of
5 competent jurisdiction. Upon being recorded in the manner required by
6 state law or the uniform commercial code, a lien may be imposed on the
7 real or personal property of any defendant entering a plea of nolo
8 contendere, pleading guilty to, or found guilty or to be in violation of a
9 municipal code violation in the amount of any debt due the City under this
10 Chapter and enforced in the same manner as a judgment lien under a
11 judgment of a court of competent jurisdiction.

12 **8.10. Alternative method of enforcement.**

13 The administrative enforcement procedure provided for in the
14 Short-Term Lending Code is intended to provide for an alternative method
15 for the city to gain compliance with provisions of the Code prior to any
16 formal court action. The administrative enforcement and hearing process
17 provided herein as authorized under Chapter 479, RSMo, will be in
18 addition to any other legal or equitable remedy available to the city for
19 Code violations, except that if a determination is made by the Hearing
20 Officer that a violation did not occur, the city may not then proceed with
21 criminal prosecution for the same act or conduct.

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9. Judicial review of orders of commissioner; stay of enforcement of orders.

Following the entry of an order by the commissioner suspending or revoking a permit, or disapproving a new or renewal application for a permit, such permittee or applicant may seek judicial review in a manner provided by law. The commissioner shall stay enforcement of such order for a period of time not to exceed 30 days pending the filing or final disposition of proceedings for judicial review.

10. Severability.

The various provisions of the Short-Term Lending Code are not interdependent; and, if any provisions of the Short-Term Lending Code shall be held to be invalid or unconstitutional, the remainder of the Short-Term Lending Code shall not be affected thereby but shall remain in full force and effect.

- 11. Reserved.**
- 12. Reserved.**
- 13. Reserved.**
- 14. Reserved.**

1 (10%) interest in the corporation, if the
2 applicant is a corporation; and

3 (4) All persons having an ownership interest in
4 any other type of business entity or
5 association.

6 (d) Whether or not the applicant has been convicted of
7 violating any provision of the Short-Term Lending Code; has been
8 convicted of a felony, misdemeanor, infraction or ordinance
9 violation involving moral turpitude, a breach of a fiduciary
10 obligation, or crimes of physical violence or against property; or
11 has ever had a permit issued under the Short-Term Lending Code
12 revoked or suspended and, if so, the reason therefore;

13 (e) Evidence and information of any kind tending to
14 demonstrate that the permit being sought will be utilized in the
15 applicant's business conducted in accordance with the provisions
16 of the Short-Term Lending Code;

17 (f) If the applicant is a Missouri corporation, a certificate
18 of good standing issued by the Missouri secretary of state not more
19 than 30 days prior to the submittal of the application or, if a foreign
20 corporation, a certificate of authority to do business issued by the
21 Missouri secretary of state not more than 30 days prior to the

1 and adequate heating, ventilating, and air conditioning which is
2 made available to customers or patrons;

3 (g) Applicant has provided the commissioner with a
4 designated agent for service who can regularly be found in the City
5 during normal business hours; and

6 (h) Applicant has demonstrated to the commissioner a
7 “Good Neighbor Plan” which includes all requirements outlined in
8 Section 23 of the Short-Term Lending Code as well as any other
9 conditions that the commissioner finds necessary or appropriate to
10 ensure that the short-term loan establishment is not operated in a
11 manner that will be detrimental to the public health, safety, or
12 welfare, or that will result in the creation of a nuisance.

13 The commissioner is authorized to make inspections of the Short-
14 Term Loan Establishment’s premises at reasonable times and hours of any
15 day in which it is operating or is to be located for purposes of determining
16 whether such Short-Term Loan Establishment fully complies with the
17 provisions of the Short-Term Lending Code.

18 **17. Approval or disapproval of application and hearing.**

19 (a) The application for a Short-Term Loan Establishment permit,
20 or the renewal thereof, authorized under the Short-Term Lending Code
21 shall be approved or disapproved within 30 days from the date of the

1 commissioner's determination that the application is complete, unless the
2 applicant agrees in writing to an extension of that time period. If a permit
3 application is disapproved, the commissioner shall notify the applicant in
4 person, or by registered or certified mail to the applicant's last known
5 address, and shall state the basis for such disapproval.

6 (b) If within ten (10) days after the commissioner delivers notice
7 to an applicant in person or mails notice to the applicant that the
8 application has been disapproved, the applicant files with the
9 commissioner a written request for a hearing before the commissioner on
10 whether the applicant has satisfied the criterion set forth in this Section 16
11 of the Short-Term Lending Code; then, the commissioner shall, within five
12 days of receipt of a timely request, mail a notice of a hearing to the
13 applicant, which shall include the date, time, and place for the hearing
14 before the commissioner. The date for the hearing shall be not less than 10
15 days, nor more than 40 days, following the filing of the request for a
16 hearing under this section, unless the aggrieved party requesting the
17 hearing agrees to extend the time for the hearing.

18 **18. Reserved.**

19 **19. Reserved.**

20 **20. Reserved.**

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ARTICLE III. CONDUCT OF BUSINESS

21. Display of license or permit.

Every individual, firm, corporation, partnership, organization or association holding a permit under the Short-Term Lending Code as a Short-Term Loan Establishment shall post the permit in a conspicuous place and manner on the premises.

22. Compliance with the Short-Term Lending Code and other regulations.

It shall be the duty of a permittee to comply with all of the provisions of the Short-Term Lending Code, as well as the building codes, zoning, fire, health, safety, nuisances, and property maintenance ordinances of the City, and with all regulations issued by the commissioner pertaining to Short-Term Loan Establishments. Failure to comply with the ordinances or regulations after written notification of noncompliance has been delivered to the permittee by the city may be a basis for suspension, revocation or nonrenewal of the permit.

23. Permittee’s duties to adhere to a “Good Neighbor Plan.”

(a) It shall be the affirmative duty of each permittee to adhere to a “Good Neighbor Plan,” which shall include, at a minimum:

- (1) Post and enforce a no loitering policy on the premises, including parking areas and other exterior parts of the premises;

1 (2) Limit signage to only one wall or fascia sign on any
2 building wall with a total square feet of area of advertising copy
3 not to exceed five percent (5%) of the total square feet of area of
4 such wall and displaying only non-primary colors. In multiple
5 story buildings, the total height of the wall shall not exceed 20 feet
6 for the purpose of this computation;

7 (3) Prevent the use, installation or erection of any
8 incidental, temporary, changeable copy, digital equipment
9 displays, revolving, flashing blinking, animated, movement by
10 mechanical means of roof signs advertising the Short-Term Loan
11 Establishment or any services or products offered;

12 (4) Prevent the use, installation, or erection of any banners;

13 (5) Prevent the painting or covering of any part of the
14 exterior of the premises with a primary color, remove any such
15 painting or covering or repaint or recover any such part of the
16 exterior of the premises with a non-primary color;

17 (6) Post a notice printed in not less than 24-point bold type
18 within 3 feet of each location within the premises at which a
19 customer, borrower, or other member of the general public is
20 invited or directed to stand or sit to either apply for a loan, to
21 answer or ask questions, to review or sign transaction documents,

1 to receive loan proceeds, to make payments or to inquire about, or
2 apply for, the renewal or the rolling over of a loan, which sets out
3 the following information: (i) the word “WARNING” in bold
4 capital letters, (ii) that this establishment is a short-term loan
5 establishment and is not a federally chartered bank, savings and
6 loan association, or credit union, (iii) the interest rates and fees
7 charged, (iv) the annual percentage rate equivalent of the aggregate
8 of those interest rates and fees charged per \$100.00 borrowed, (v) a
9 computation of the amounts that would be paid on an original loan
10 renewed or rolled-over after the expiration of its original term
11 without any payment of either principal or interest each time, up to
12 the six times, (vi) a warning that default may result in loss of
13 property used as security for the loan and garnishment of wages
14 and checking and savings accounts, and (vii) notice of any state or
15 federal rights to rescind the loan agreement;

16 (7) Prevent public displays of indecency, prostitution or
17 solicitation for prostitution from taking place on the premises,
18 whether in or out of public view at all times during the hours of
19 operation;

20 (8) Prevent disorderly conduct, disturbances of the public
21 peace and gambling from taking place on the premises at all times

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1 during the hours of operation;

2 (9) Prevent any unlawful sale, distribution, delivery or use
3 of controlled substances, illegal drugs or narcotics on the premises
4 at all times during the hours of operation;

5 (10) Prevent any sale, distribution, delivery or use of any
6 alcoholic beverages of any kind on the premises at all times during
7 the hours of operation;

8 (11) Allow law officers, code enforcement officers, health
9 officers or other representatives of the city or other public agencies
10 full access to the premises at any time during hours of operation
11 for purposes of inspection to ensure compliance with the Short-
12 Term Lending Code and other applicable laws;

13 (12) Regularly inspect and maintain the premises and all
14 adjacent sidewalks and alleys within 50 feet of the premises for
15 purposes of removing any trash or litter found thereon;

16 (13) Assure that the licensee or a manager of the business is
17 present at the premises at all times during its hours of operation;

18 and

19 (14) During the hours of operation, promptly report to the
20 police department acts of indecency, prostitution or solicitation for
21 prostitution, disorderly conduct, disturbances of the public peace,

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1 gambling, unlawful sale, distribution, delivery or use of controlled
2 substances, illegal drugs or narcotics, and the sale, distribution,
3 delivery or use of any alcoholic beverages of any kind on the
4 alleys, sidewalks and streets adjacent to the premises.

5 (b) The permit and the standards of operation, affirmative duties
6 and other requirements of the Short-Term Lending Code shall apply to an
7 entire business operation and its premises, regardless of the fact that some
8 parts of the business operation, if conducted separately at a different
9 location, would not be subject to a permit under the Short-Term Lending
10 Code.

11 (c) Failure to comply with the requirements of this section and all
12 other requirements of the Short-Term Lending Code is unlawful.

13 **24. Referral to Alternative Financial Assistance**

14 It shall be the affirmative duty of each permittee to provide to all
15 interested customers or patrons the current “Alternatives to Short Term
16 Loans” guide, as provided by the Office of Financial Empowerment and
17 approved by the Treasurer of the City of St. Louis.

18 **25. Reserved.**

19

20 **ARTICLE IV. ENFORCEMENT**

21 **26. Suspension, revocation or denial.**

1 (a) Any permit issued under the provisions of the Short-Term
2 Lending Code may be suspended or revoked or any permit may be denied
3 by the commissioner, after due notice and affording an opportunity for a
4 hearing, for any violation of the provisions of the Short-Term Lending
5 Code. Within ten (10) days after the denial, suspension or revocation of
6 any permit issued under the Short-Term Lending Code, or for any other
7 cause expressly allowed in the Short-Term Lending Code, any person
8 aggrieved thereby may apply in writing to the commissioner for a hearing
9 thereon, and the commissioner shall then promptly set a time and date for
10 a hearing thereon.

11 (b) Hearing procedures. The following procedures shall apply to
12 all hearings conducted under this section:

13 (1) The applicant, permittee, or an owner, as the case may
14 be, shall have full right to be represented by counsel, to produce
15 witnesses and other evidence, and to cross examine all witnesses
16 who appear against him. Oral evidence shall be taken only upon
17 oath or affirmation. All proceedings in such hearing shall be
18 recorded and transcribed as required by law. The commissioner
19 may receive evidence relevant to the issues from the applicant,
20 permittee or from other sources.

21 (2) If a hearing is held under the provisions of the Short-

1 Term Lending Code, then the commissioner shall issue findings of
2 fact and conclusions of law, and an order wherein he may approve
3 or disapprove an application, suspend or revoke a permit
4 previously issued, or renew or refuse to renew a permit previously
5 issued. The commissioner's order shall be served upon the
6 applicant or permittee, as the case may be, in person or by
7 registered or certified mail to the applicant's or permittee's last
8 known address. If the commissioner is not able to serve the order
9 upon the applicant, permittee, or applicant for renewal permit in
10 the manner stated in this subsection, and any notice sent by mail is
11 returned by the postal service, the commissioner shall cause the
12 order to be posted at the principal entrance of the business, and that
13 posting shall be a valid means of service. The commissioner's
14 order shall also be posted for 30 days in the City's Building
15 Division.

16 (c) Unless otherwise provided in the Short-Term Lending Code,
17 any applicant or any other person aggrieved by the decision of the
18 commissioner under the provisions of the Short-Term Lending Code may
19 seek judicial review in a manner provided by law. The cost of a transcript
20 of a hearing before the commissioner shall be paid by the party requesting
21 the transcript.

June 3, 2016

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Board Bill No. 69

Sponsors: Alderwoman Cara Spencer,
Alderman Samuel Moore, Alderman Chris Carter, Alderman Shane Cohn

1 requirements in the Short-Term Lending Code for a new permit, a Short-
2 Term Loan Establishment permit may be renewed by issuance of a new
3 permit in the manner provided in the Short-Term Lending Code unless the
4 commissioner disapproves the renewal application in the manner provided
5 by Section 17 of the Short-Term Lending Code.

6 (c) Upon the filing of a timely application for renewal of a permit
7 issued under the provisions of the Short-Term Lending Code, the
8 commissioner shall issue a temporary permit to the applicant, which
9 temporary permit shall remain in effect until the commissioner has
10 approved or disapproved the application. If a hearing is held as required
11 by Section 17 of the Short-Term Lending Code, the temporary permit shall
12 remain in effect until the commissioner has issued an order following the
13 hearing. However, if any hearing required by Section 17 of the Short-
14 Term Lending Code is delayed at the request of the applicant, the
15 temporary permit issued under the provisions of this subsection shall
16 expire as of the date the hearing was scheduled by the commissioner,
17 unless the applicant shows good cause for the delay.

18 (d) Any applicant issued a temporary permit under the provisions
19 of this section shall comply, or continue to comply, with the provisions of
20 the Short-Term Lending Code. Additionally, an applicant issued a
21 temporary permit under the provisions of this section shall be subject to

1 the penalty provisions provided in the Short-Term Lending Code.

2 (e) If the application for renewal of a permit is not made during
3 the time provided in subsection (a) of this section, the permit shall expire
4 and the permittee shall cease those activities authorized under the Short-
5 Term Lending Code and the permittee shall file a new application and
6 meet all requirements of the Short-Term Lending Code before engaging in
7 the business or occupations regulated under the Short-Term Lending
8 Code. In addition, an application for renewal filed after the expiration date
9 shall be treated as a new application.