

1 **Board Bill No. 105 INTRODUCED BY ALDERWOMAN KACIE STARR TRIPLETT,**  
2 **ALDERMAN GREGORY CARTER, ALDERWOMAN JENNIFER FLORIDA,**  
3 **ALDERMAN SHANE COHN, ALDERMAN ANTONIO FRENCH, ALDERMAN FRANK**  
4 **WILLIAMSON, ALDERMAN TERRY KENNEDY, ALDERMAN STEPHEN GREGALI,**  
5 **ALDERMAN SAMUEL MOORE, ALDERWOMAN DIONNE FLOWERS,**  
6 **ALDERWOMAN DONNA BARINGER, ALDERMAN CHARLES QUINCY TROUPE**  
7

8 An ordinance pertaining to a registration fee for vacant buildings and structures; defining  
9 ownership for the purpose of this ordinance; establishing an initial registration fee of fifty dollars  
10 (\$50), a fee of one hundred and fifty dollars (\$150) for the second year and a fee of two hundred  
11 and fifty dollars (\$250) for the third and each subsequent year to be charged to the owner of any  
12 parcel of residential property improved by a residential structure, or commercial property  
13 improved by a structure containing multiple dwelling units, which is vacant and has been vacant  
14 for at least 60 days; establishing a penalty clause; requiring an authorized agent either maintain  
15 an office or live in the State of Illinois or Missouri; requiring the owner to secure and maintain  
16 the vacant building; appealing determination of a vacant building; defining vacant for the  
17 purpose of this ordinance; defining creditor for the purpose of this ordinance; requirements of a  
18 creditor for the purpose of this ordinance; deeming registration statements as prima facie proof of  
19 evidence; initial notification; use of collected funds; containing an enforcement clause and  
20 containing a severability clause.

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

22 **SECTION ONE. Definition of Ownership**

23 Wherever used in said provisions of this ordinance, the "owner" shall include any person entitled  
24 under any agreement to the control or direction of the management or disposition of the building  
25 or premises or of any part of the building or premises where the violation in question occurs. The

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1 liabilities and obligations hereunder imposed on an owner shall attach to a trustee under a land  
2 trust, holding title to such building, structure or premises without the right of possession,  
3 management or control, unless said trustee in a proceeding under said provisions of this  
4 ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last  
5 known address of each person who was a beneficiary of the trust at the time of the alleged  
6 violation and of each person, if any, who was then acting as agent for the purpose of managing,  
7 controlling or collecting rents, as the same may appear on the records of the trust. The liabilities  
8 and obligations imposed on an owner shall attach to any mortgage company or any other person  
9 with or without an interest in the building or premises who knowingly takes any action in any  
10 judicial or administrative proceeding that is intended to delay issuance or enforcement of any  
11 remedy for any violation of the Building Code then in existence; provided that with respect to  
12 fines such person shall be liable only for fines which accrue on or after the date of such action;  
13 and further provided that no liability shall be imposed under this ordinance for any action taken  
14 in any proceeding, including a proceeding to foreclose on a lien, that does not delay or prevent  
15 the prosecution of any action brought by the City to enforce the Building Code. Unless otherwise  
16 specifically provided, the owner, his agent for the purpose of managing, controlling or collecting  
17 rents and any other person managing or controlling a building or premises in any part of which  
18 there is a violation of the provisions of this ordinance, shall be liable for any violation therein,  
19 existing or occurring, or which may have existed or occurred, at or during any time when such  
20 person is or was the person owning or managing, controlling, or acting as agent in regard to said  
21 buildings or premises and is subject to injunctions, abatement orders or other remedial orders.

22 **SECTION TWO. Registration Required**

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1 A. The owner of any building that has become vacant shall within sixty (60) days after the  
2 building becomes vacant, or within thirty (30) days after the effective date of this ordinance,  
3 whichever is later, file a registration statement for each such building with the Building  
4 Commissioner on forms provided by the Building Commissioner for such purposes. The  
5 registration shall remain valid for one year from the date of registration. The owner shall be  
6 required to annually renew the registration as long as the building remains vacant. The owner  
7 shall pay an initial registration fee of fifty dollars (\$50.00) for each registered building; provided,  
8 however, that all eleemosynary, religious, educational, benevolent or charitable associations shall  
9 be exempt from the payment of the annual registration fee. If the building remains vacant after  
10 one year, the cost of the registration fee will be one hundred and fifty dollars (\$150) for the  
11 second year. If the building is vacant the third year and all subsequent years, the registration fee  
12 will be two hundred and fifty dollars (\$250) each year. The fee shall be valid to all buildings  
13 owned by the City of St. Louis. The owner shall notify the Building Commissioner, within 20  
14 days, of any change in the registration information by filing an amended registration statement  
15 on a form provided by the Building Commissioner for such purposes. The registration statement  
16 shall be deemed prima facie proof of the statements therein contained in any administrative  
17 enforcement proceeding or court proceeding instituted by the city against the owner or owners of  
18 the building.

19 B. In addition to other information required by the Building Commissioner, the registration  
20 statement shall include the name, street address and telephone number of a natural person  
21 twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent  
22 for receiving notices of code violations and for receiving process, in any court proceeding or

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1 administrative enforcement proceeding, on behalf of such owner or owners in connection with  
2 the enforcement of this code. This person must maintain an office either in the State of Illinois or  
3 Missouri or must actually reside either in the State of Illinois or Missouri. An owner who is a  
4 natural person and who meets the requirements of this ordinance as to location of residence or  
5 office may designate himself as agent. By designating an authorized agent under the provisions  
6 of this ordinance the owner is consenting to receive any and all notices of code violations  
7 concerning the registered building and all process in any court proceeding or administrative  
8 enforcement proceeding brought to enforce code provisions concerning the registered building  
9 by service of the notice or process on the authorized agent. Any owner who has designated an  
10 authorized agent under the provisions of this ordinance shall be deemed to consent to the  
11 continuation of the agent's designation for the purposes of this ordinance until the owner notifies  
12 the Building Commissioner of a change of authorized agent or until the owner files a new annual  
13 registration statement. Any owner who fails to register a vacant building under the provisions of  
14 this ordinance shall further be deemed to consent to receive, by posting at the building, any and  
15 all notices of code violations and all process in an administrative proceeding brought to enforce  
16 code provisions concerning the building.

17 C. A registry of all registered vacant buildings will be available online for public view.

18 **SECTION THREE. Vacant Building Maintenance**

19 The owner of any building that has become vacant, and any person maintaining, operating or  
20 collecting rent for any building that has become vacant shall, within thirty (30) days, do the  
21 following:

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1           1.       Enclose and secure the building, as defined under the St. Louis City Revised Code  
2 Chapter 25.01.030, Section 118.3.1. All doors must be properly secured and windows on all  
3 floors of the building shall be properly secured;

4           2.       Maintain the building in a secure and closed condition until the building is again  
5 occupied or until repair or completion of the building has been undertaken.

6 **SECTION FOUR. Penalty**

7 A.       The Building Commissioner may issue rules and regulations for the administration of this  
8 ordinance. These rules may designate board-up materials and methods which must be used when  
9 securing a building so that the boarding is reasonably incapable of being removed by trespassers  
10 or others acting without the building owner's consent. Any person who fails to register a  
11 building under section two of this ordinance shall be fined two hundred- fifty dollars (\$250.00).

12 Any person who violates any other provision of this ordinance or of the rules and regulations  
13 issued hereunder shall be fined not less than two hundred dollars (\$200.00) and not more than  
14 five hundred dollars (\$500.00) for each offense. Every day that a violation continues shall  
15 constitute a separate and distinct offense.

16 B.       Should creditor fail to register the foreclosed property with the St. Louis Building  
17 Division, the city may issue a lien against foreclosed property, fining creditor up to one hundred  
18 dollars (\$100.00) per day.

19 **SECTION FIVE. Appealing Determination of Vacant Building**

20 A.       An owner of a building that is determined to be vacant, shall appeal that determination to  
21 the Board of Building Appeals within fifteen (15) days of the date of mailing of the notice of  
22 determination. The filing of an appeal stays the owner's obligation to register his building. The

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1 appeal shall contain a complete statement of the reasons the owner disputes the vacant building  
2 determination. The owner shall set forth specific facts in support thereof, and shall include all  
3 evidence the owner relies upon to support the appeal. The Board of Building Appeals shall  
4 decide the appeal based on the facts presented by the owner in his or her written appeal and the  
5 Board's written determination.

6 B. The burden is upon the owner to present sufficient evidence to persuade the Board of  
7 Building Appeals that had evidence been known to the City at the time the property was labeled  
8 vacant, the City would have more than likely not determined that the building was vacant.

9 C. The Board of Building Appeals shall send written notice of the decision to the owner  
10 within ten (10) days of his or her receipt of the appeal. The Board of Building Appeals may, but  
11 is not required to, seek additional information from the owner.

12 **SECTION SIX. Definition of Vacant**

13 A. A determination of a vacant building can be made visually by a Neighborhood  
14 Stabilization Officer and / or through a full building inspection from the Building Division.

15 B. In determining whether a building is vacant, it is relevant to consider, among other  
16 factors, the percentage of the overall square footage of the building or floor to the occupied space  
17 or the overall number of occupied and unoccupied units shall be considered, whether all lawful  
18 residential or business activity has ceased, the building is substantially devoid of contents, the  
19 condition and value of fixtures or personal property in the building, the building lacks utility  
20 service (i.e. water, sewer, electric, or natural gas), the building is not actively for sale as part of a  
21 contractual agreement to sell the building, the building lacks "for sale", "for rent", the building is

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1 not listed on the MARIS register, the presence or recurrence of uncorrected code violations, it is  
2 unoccupied and a dangerous structure.

3 C. Vacant does not include unoccupied buildings which are undergoing construction,  
4 renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes,  
5 legislation, and regulations, and for which construction, renovation or rehabilitation is  
6 proceeding diligently to completion.

7 **SECTION SEVEN. Definition of Creditor.**

8 Creditor means a federal or state chartered bank, savings bank, savings and loan association or  
9 credit union, and any entity acting on behalf of the creditor named in the debt obligation  
10 including, but not limited to, servicers.

11 **SECTION EIGHT. Requirements of a Creditor.**

12 A. A creditor that serves notice of intention to foreclose on a mortgage on residential  
13 property in the city shall serve notice to the St. Louis Building Division at the same time creditor  
14 serves notice to the owner of the property.

15 B. If the property is vacant, the creditor shall register the full name, and contact information  
16 of a person located within the state of Missouri or Illinois who is authorized to accept service on  
17 behalf of the creditor.

18 **SECTION NINE. Proof of Evidence.**

19 The owner or owners of any building shall file a registration statement for each such  
20 building with the Building Commissioner on forms provided by the Building Commissioner for  
21 such purposes. Any such registration statement shall be deemed prima facie proof of the

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1 statements therein contained in any administrative enforcement proceeding or court proceeding  
2 instituted by the city against the owner or owners of the building.

3 **SECTION TEN. Initial Notification.**

4 Upon enactment, the St. Louis Building Division will send notification via first class  
5 mail, notifying all existing vacant building owners notifying the owners of the ordinance and the  
6 registration requirements.

7 **SECTION ELEVEN. Collected Funds**

8 All monetary funds collected by the City under this ordinance shall be utilized by the St.  
9 Louis Building Division.

10 **SECTION TWELVE. Enforcement**

11 It shall be the duty of the neighborhood stabilization officers to enforce the provisions of  
12 this chapter as follows:

13 A. Whenever a neighborhood stabilization officer shall find a vacant building that is not  
14 registered with the Building Commissioner in violation of this chapter, he shall proceed as  
15 follows:

16 1. If the officer determines that a violation of this chapter exists, then the officer  
17 may utilize the enforcement, prosecution, and administrative procedures under Chapter  
18 25.33 of the Code; or

19 2. The officer may, at his discretion, issue a notice of violation of any provision of  
20 this chapter to the violator by mail, by service, or by posting the notice on the premises,  
21 which notice will explain the violation and demand its abatement forthwith or within a  
22 reasonable period of time. If abatement does not occur as demanded, the neighborhood

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1 stabilization officer may make application to the city counselor who, if satisfied that there  
2 are reasonable grounds to believe that an offense has been committed and that a case  
3 against the accused can be made, shall file the information with the city court, pursuant to  
4 Supreme Court Rule 37.08.

5 B. In any case in which it is lawful for a police officer to arrest a person without warrant,  
6 at his discretion or at the request of the neighborhood stabilization officer, he may forthwith  
7 serve the person with a summons instead of arresting the accused.

8 **SECTION THIRTEEN. Severability Clause**

9 If any provision, clause, sentence, paragraph or word of this ordinance or the application  
10 thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not  
11 affect the other provisions of this ordinance which can be given effect without the invalid  
12 provisions or application, and to this end the provisions of this ordinance are declared severable.

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