

1 **BOARD BILL # 108 INTRODUCED BY PRESIDENT JAMES F. SHREWSBURY**

2 An ordinance pertaining to enforcement of the Property Maintenance Code, Housing  
3 Conservation District and Zoning Code; establishing an administrative procedure under the provisions  
4 of Section 479.011 RSMO. to enforce compliance with the provisions of the Property Maintenance  
5 Code, the Housing Conservation District Code and the Zoning Code; containing an emergency clause.

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

7 **SECTION ONE.** It shall be unlawful for any person, firm or corporation to be in  
8 conflict with or in violation of any of the provisions of the Property Maintenance Code, the  
9 Housing Conservation District Code or the Zoning Code for the City of St. Louis as such codes  
10 exist at the time of the effective date of this ordinance and as such codes may be amended in the  
11 future.

12 **SECTION TWO.** Whenever the code official determines that there has been a violation  
13 of the Property Maintenance Code, the Housing Conservation District Code or the Zoning Code  
14 or has grounds to believe that a violation has occurred, notice shall be given to the owner or the  
15 person or persons responsible therefore in the following manner;

16 Such notice shall:

- 17 1. Be in writing;
- 18 2. Include a description of the real estate sufficient for identification;
- 19 3. Include a statement of the violation or violations and why the notice is being  
20 issued;
- 21 4. Include a correction order allowing a reasonable time to make the repairs and  
22 improvements required to bring the dwelling unit or structure into compliance with the  
23 provisions of applicable code; and

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1           5.       Inform the property owner of the right to appeal.

2           The notice shall be directed to the owner or owners of such building, structure or premise  
3 as recorded most recently in the City of Saint Louis Assessor's Office. The notice shall be served  
4 in one of the following ways:

5           1.       Delivered personally to owner or owners; or

6           2.       By posting a copy of said notice upon the building, structure or premise; or

7           3.       By mailing a copy of said notice by regular mail, postage prepaid, direct to the  
8 owner or owner's place of business or the address currently recorded in the Assessor's Office of  
9 the City of Saint Louis; or

10          4.       By publication in a newspaper of general circulation in the City of Saint Louis.

11          **SECTION THREE.** A. If the notice of violation is not complied with, the code official  
12 shall have the authority to issue an administrative citation to any person responsible for the  
13 violation.

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

15          1.     The date of the violation or, if the date of the violation is unknown, then the date the  
16 violation is identified;

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

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

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

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

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

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- 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 code official.

5 **SECTION FOUR** A. The amounts of the fines for code violations imposed pursuant to  
6 this chapter shall be set forth in the schedule of fines known as Exhibit A which is attached  
7 hereto and incorporated as part of this ordinance by reference.

8 B. The schedule of fines shall specify any increased fines for repeat violations of the same  
9 code provision by the same person at the same property within twelve months from the date of  
10 an administrative citation.

11 C. The schedule of fines shall specify the amount of any late payment charges imposed for the  
12 payment of a fine after its due date.

13 **SECTION FIVE** A. The fine shall be paid to the city within thirty days from the date  
14 of the administrative citation.

15 B. Any administrative citation fine paid pursuant to subsection A. shall be refunded if it is  
16 determined, after a hearing, that the person charged in the administrative citation was not  
17 responsible for the violation or that there was no violation as charged in the administrative  
18 citation.

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

21 **SECTION SIX.** A. Any recipient of an administrative citation may contest that there  
22 was a violation of the code or that he or she is the responsible party by completing a Request for  
23 Administrative Hearing petition and returning it to the Office of the Building Commissioner,

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1 along with a non-refundable filing fee of \$\_\_\_\_\_, within thirty days from the date of the  
2 administrative citation.

3 B. A Request for Administrative Hearing petition may be obtained from the Office of the  
4 Building Commissioner.

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

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

11 **SECTION SEVEN.** The Public Safety Director shall designate the hearing officer for  
12 the administrative hearing.

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

16 B. At the hearing, the party contesting the administrative citation shall be given the  
17 opportunity to testify and to present evidence concerning the administrative citation.

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

20 E. The code violation notice, property record, and related documentation in the proper form,  
21 or a copy thereof, shall be prima facie evidence of the municipal code violation. The code  
22 official who issued the notice of violation need not be present.

1 F. The hearing officer may continue the hearing and request additional information from the  
2 code official or the recipient of the administrative citation prior to issuing a written decision.

3 **SECTION NINE.** A. After considering all of the testimony and evidence submitted at  
4 the hearing, the hearing officer shall issue a written decision to uphold or cancel the  
5 administrative citation and shall list in the decision the reasons for that decision. The decision of  
6 the hearing officer shall be final.

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

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

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

15 **SECTION TEN.** Any person who fails to pay to the city any fine imposed pursuant to  
16 the provisions of this chapter on or before the date that fine is due also shall be liable for the  
17 payment of any applicable late payment charges set forth in the schedule of fines.

18 **SECTION ELEVEN.** A. The hearing officer may not impose incarceration or any  
19 fine in excess of the amount allowed by the schedule of fines. Any sanction, fine or costs, or part  
20 of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to  
21 exhaust, judicial review procedures under chapter 536, RSMo, shall be a debt due and owing the  
22 city, and may be collected in 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, unless stayed by a court  
4 of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may  
5 be enforced in the same manner as a judgment entered by a court of competent jurisdiction.  
6 Upon being recorded in the manner required by state law or the Uniform Commercial Code, a  
7 lien may be imposed on the real or personal property of any defendant entering a plea of nolo  
8 contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of  
9 any debt due the city under this section and enforced in the same manner as a judgment lien  
10 under a judgment of a court of competent jurisdiction.

11 **SECTION TWELVE.** Emergency clause.

12 This being an ordinance for the preservation of public peace, health, and safety, it is  
13 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of  
14 Article IV of the Charter of the City of St. Louis and therefore shall become effective  
15 immediately upon its passage and approval by the mayor.

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