

BOARD BILL NO. 128 INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.

1 An ordinance pertaining to brick dealers as defined in Ordinance 67392, which remains in full
2 force and effect, and enacting a new ordinance regulating the hours of operation for those who engage in
3 brick dealing, and requiring that posted cameras record transactions that take place in the business of
4 brick dealing during all permitted business hours of operation, requiring bricks sold or offered to brick
5 dealers and the vehicle of the seller be photographed by the purchaser of the bricks, permit revocation,
6 penalty, containing severability and emergency clauses.

7 **WHEREAS**, the theft of bricks from structures in the City continues to increase; and

8 **WHEREAS**, brick reselling has led to destruction of buildings in the St. Louis area that could be
9 rehabbed thus robbing the city of a valuable resource; and

10 **WHEREAS**, such thefts harm the public safety and welfare, in that such thefts are done by
11 persons who do not take precautions against the dangers of demolition; the structures from which bricks
12 are stolen are frequently left in a condition which is dangerous; correction of such condition is an
13 economic hardship on the owners, a danger to the public, and entails additional expense to City
14 agencies; and

15 **WHEREAS**, many brick thefts and/or sales of stolen bricks take place under cover of darkness;
16 and to assist the police in their efforts against brick thefts, and brick rustling as defined in Ordinance
17 67392, it is necessary to regulate the business operating hours of brick dealers, and to require the use of
18 cameras by brick dealers to record transactions that take place during the brick dealers' permitted hours
19 of operation.

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

21 **SECTION ONE: DEFINITIONS** The definitions of Section Two of Ordinance 67392 are
22 adopted and apply to this Ordinance.

1 **SECTION TWO:** Any person or entity engaged in brick dealing as defined in Ordinance 67392
2 will adhere to the following:

3 A. Proscribed hours of operation. Brick dealers will close brick yards or any area where brick
4 dealing is conducted and cease and desist from operating at 6:00 p.m. on Friday of each week; no
5 transactions are to be made after Friday at 6:00 p.m.; Said brick dealers will cease operation
6 from Friday at 6:00 p.m. of each week , and remain closed until the following Monday at 5:00
7 a.m.; and

8 B. Cameras required during permitted business hours. During all hours of operation, brick dealers
9 are to have operational camera or cameras on premises to record clearly all transactions made
10 during permitted business hours; brick dealers must allow St. Louis Metropolitan Police Officers
11 access to view said transactions, and said transactions must be retained by the brick dealer for a
12 period of thirty (30) days.

13 C. Any and all bricks sold or offered to brick dealers must be photographed by the purchaser of the
14 bricks along with vehicle of the seller and a copy of the demolition permit identifying the initial
15 location of the bricks. The demolition permit must not be more than forty-five (45) days from
16 date of issuance.

17 **SECTION THREE:** All requirements of Section Two are in addition to any and all of the
18 requirements of Ordinance 67392, which remains in full force and effect.

19 **SECTION FOUR:** Brick Dealers Permit-Revocation. In addition to the penalties provided by
20 this ordinance, the Director of Public Safety shall have the power and authority to revoke any permit
21 issued under this ordinance. Such a permit may be revoked only after the permittee shall have been
22 notified in a notice addressed to him at his mailing address as indicated on his brick dealer=s permit
23 application of the violation complained of. Such notice shall also state that a hearing will be held
24 before the Director of Public Safety on a date certain, but not sooner than ten (10) days after mailing

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1 of the notice, on the subject of revocation of the permit in questions. Such hearings shall be, and be
2 conducted as, a contested cases under Chapter 536, Revised Statutes of Missouri as amended. In the
3 event of revocation of a permit by the Director of Public Safety under this section, such Director
4 shall notify all licensing authorities of the City, which shall proceed in the manner provided under
5 this section to initiate proceedings for revocation of any license relating or pertaining to business
6 activities of the brick dealer related to his business as a brick dealer, for example, a demolition
7 contractor's license.

8 **SECTION FIVE: Penalty for Violation.** Any brick dealer who shall conduct business in
9 violation of any of the provisions of this ordinance shall be subject to a fine of not more than Five
10 Hundred Dollars (\$500.00) per brick, a term of community service of not more than ninety (90)
11 days, and a term of imprisonment of not more than ninety (90) days. Each brick constitutes a
12 separate offense as described in this ordinance.

13 **SECTION SIX: SEVERABILITY CLAUSE.** The provisions of this ordinance shall be
14 severable. In the event that any provision of this ordinance is found by a court of competent
15 jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the
16 court finds the valid provisions are so essentially and inseparable connected with, and so dependant
17 upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted
18 the valid provisions without the void ones or unless the court finds that the valid provisions, standing
19 alone, are incomplete and incapable of being executed in accordance with the legislative intent.

20 **SECTION SEVEN: EMERGENCY CLAUSE.** This being an ordinance for the preservation of
21 public peace, health, and safety, it is hereby declared to be an emergency measure within the
22 meaning of Sections 19 and 20 of Article IV of Charter of the City of St. Louis and therefore shall
23 become effective immediately upon its passage and approval by the Mayor.

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