

1 **BOARD BILL NO. 27**

**INTRODUCED BY ALDERMAN STEPHEN CONWAY
ALDERMAN CHARLES QUINCY TROUPE
ALDERMAN FREEMAN BOSLEY, SR.
ALDERMAN KENNETH ORTMANN
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8 An ordinance relating to littering, debris and disposal of refuse requiring “carryout
9 restaurants” and “convenience stores” to dispose of such litter and debris once in each twenty-
10 four (24) hour period and containing abatement, enforcement and penalty clauses.

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

12 **SECTION ONE. Definitions.** For the purposes of this Section, the following terms,
13 phrases, words and their derivations shall have the meaning given herein.

14 **A. Carryout Restaurant:** Any place where food or drink is prepared and served to the
15 public for immediate consumption on the premises and where the food or drink is available for
16 carryout of the premises by consumers.

17 **B. Convenience Store:** A retail establishment offering a variety of products including
18 prepared and ready to eat food products or ready to drink soft drinks sold in single serving
19 containers.

20 **C. Food Establishment:** A building or premises or portion thereof, the principal use of
21 which is for sale or dispensing or distribution or serving of food, foodstuff or drink for
22 consumption on or off the premises or in or out of the building, not to include the sale or
23 dispensing or distribution of alcoholic beverages.

24 **D. Garbage:** Putrescible animals and vegetable wastes resulting from the handling,
25 preparation, cooking and consumption of food.

1 **E. Litter:** Garbage, refuse and rubbish, as defined herein, and all other waste type
2 materials of any kind whatever.

3 **F. Nuisance:** Refers to the littering and debris accumulated upon and within a three
4 hundred
5 foot (300') radius of a carryout restaurant or convenience store.

6 **G. Owner:** Any individual, firm, association, partnership, corporation, trust or any other
7 legal entity.

8 **H. Refuse:** All putrescible and nonputrescible solid wastes (except body wastes),
9 including garbage, rubbish, ashes, street cleanings, and similar materials.

10 **I. Rubbish:** Nonputrescible solid wastes consisting of both combustible and
11 noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, and similar
12 materials.

13 **J. Waste Receptacle:** A device with solid sides and bottom and covered in some
14 manner so as to prevent waste or litter which has been deposited in the waste receptacle from
15 being blown out by winds or from being improperly removed.

16 **SECTION TWO. Disposal of Refuse, Litter and Debris.** Each “carryout restaurant”
17 or “convenience store”, shall at least once in each twenty four (24) hour period, dispose of all
18 paper, cups, plates, napkins, garbage and all other waste material accumulated upon the premises
19 of the carryout restaurant or convenience store including all parking lots, adjacent sidewalks,
20 curbs and gutters. Disposal shall be to a lawful location.

21 **SECTION THREE. Duty of Owner and Manager.** It shall also be the duty of the
22 owner, manager or person in charge of said establishment to, at all times, keep the premises
23 indoors, the premises outdoors, and within a three hundred foot (300') radius of all property lines

24 on which said establishment is located, free from rubbish, litter, and other waste materials and
25 debris including food, beverages, napkins, straws, containers, bags, utensils, cups, plates, cans
26 and other waste materials emanating from the establishment, emanating from the patrons or from
27 the outside waste receptacles used by such food establishments.

28 **SECTION FOUR. Duty to Patrol Area.** To accomplish the foregoing, each carryout
29 restaurant or convenience store shall cause the three hundred foot (300') area to be patrolled for
30 litter at least once every twenty four (24) hours within any time the carryout restaurant or
31 convenience store is open for business. Where the above three hundred foot (300') radius
32 encompasses private property, permission to encroach upon said private property shall be
33 requested from the private property owner to fulfill the purpose of this requirement.

34 **SECTION FIVE. Waste Receptacles.** A waste receptacles shall be placed at each
35 pedestrian exit from the carryout restaurant building or convenience store building. In addition,
36 a waste receptacle shall be placed on or adjacent to the parking areas serving the carryout
37 restaurant or convenience store.

38 **SECTION SIX. Enforcement.**

39 **A. Abatement Required, Penalty:** Any property owner or any occupant of property
40 who allows a nuisance to exist shall be fined as provided below; and any person who shall
41 neglect to abate and remove such nuisance after notice thereof, shall for each twenty four (24)
42 hours thereafter during which said nuisance continues, be subject to a like penalty as that
43 originally incurred.

44 **B. Notice:**

45 1. Any police officer or inspector of the City of St. Louis, upon observing any violation
46 of this ordinance upon any property in the City of St. Louis, may issue a notice directed to the

1 owner of record of said property as disclosed in the assessor's office of the City of St. Louis, or
2 to the occupant of said property as disclosed on the records of the City of St. Louis, or to both,
3 which notice shall describe the violation and establish a reasonable time limit for the abatement
4 thereof by such owner or occupant, which time limit shall not be less than two (2) days, nor more
5 than ten (10) days after service of such notice.

6 2. A notice required above may be served by regular U.S. mail, postage prepaid, by
7 service upon the person, or by posting the notice at a prominent location on the subject property.
8 The City of St. Louis employee effectuating the service of notice shall note the date and time, if
9 applicable, of said service. If the notice is mailed by regular U.S. mail, postage prepaid, the
10 notice shall be presumed to be served three (3) days from and after the deposit of the notice in
11 the U.S. postal service system.

12 **C. Citizen Complaint:** Any citizen who observes a violation of this section may file his
13 affidavit setting forth in detail the violation, its location and the name of the owner and occupant
14 of the property of which such nuisance is alleged, and may file said affidavit with the police
15 department of the City of St. Louis who shall assign an officer to investigate such charge; and if
16 such nuisance exists, to issue a notice to the owner or occupant of the property as provided in
17 subsection B of this section.

18 **D. Failure To Abate:** Immediately upon the termination of the time allowed in any such
19 notice for the abatement of such nuisance, the police officer or building inspector who served
20 such notice, or any other police officer who shall be assigned by the police department, shall
21 investigate to determine whether or not such nuisance has been abated. In the event the owner or
22 occupant of the property where such nuisance exists has failed within the prescribed time to
23 abate such nuisance, then the police officer or building inspector who served such notice shall

1 file a complaint charging violation of this section with the St. Louis City Municipal Court,
2 charging violation of this section and demanding that the owner of the property or the occupant
3 thereof, or both, be punished as herein provided.

4 **E. Costs; Lien:** Upon failure of any person, owner, agent or occupant having supervision
5 or control of any lot, tract, parcel of land, or portion thereof, to abate any nuisance within the
6 time designated by such notice, the city may, through its duly authorized agents and employees,
7 abate the nuisance stated in the notice provided for in subsection B of this section in order to
8 correct the violation. A statement of cost incurred by the city shall be mailed to the owner of the
9 premises, which statement shall be paid within thirty (30) days of the mailing thereof. In the
10 event that the statement has not been paid within the thirty (30) day period, the city may file a
11 lien in the office of the recorder of deeds of the City of St. Louis, setting forth therein a
12 description of the real estate from which said nuisances were removed, the cost and expense
13 incurred or payable for the service, and the date or dates when such cost and expense was
14 incurred or payable for the service, and the date or dates when such cost and expense was
15 incurred by the city, and ten percent (10%) on the delinquent amount from the date such payment
16 was due. This lien shall be superior to all other liens and encumbrances except for tax liens. The
17 cost of abating the nuisance shall not be a lien on the real estate affected unless a notice is
18 personally served on, or sent by certified mail to, the person who was sent the tax bill for the
19 general taxes on the property for the preceding year.

20 **F. Penalty:** Any person convicted of a violation of this section shall be fined as provided
21 herein and, in addition, shall be required to pay the costs incurred by the City in abating and
22 removing any such nuisance. Every day that such violation is maintained or permitted to exist
23 upon said premises shall constitute a separate offense.

1 **G. Inspection and Enforcement:** It shall be the duty of the City to inspect for and
2 enforce violations of this section as to all property, and to prosecute all complaints of violation of
3 this chapter.

4 **SECTION SEVEN. Penalty for Violation.** Any person, corporation or other legal
5 entity which violates any of the above provisions, either as a proprietor, owner, tenant, manager,
6 supervisor or otherwise, shall be guilty of a misdemeanor and upon the conviction thereof shall
7 be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five
8 hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or both such
9 fine and imprisonment. Each day that any violation hereunder shall continue shall constitute a
10 separate offense and shall be subject to the penalties hereinabove set forth.

11 **SECTION EIGHT. Repeat Incidents of Nuisance.** For the same ownership, any
12 repeat occurrence of failure to abate the above nuisance, when cited previously within the past
13 six (6) months, shall not require a notice or correction period, but may be referred to the courts.

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