

1           An ordinance relating to littering and debris and disposal of refuse requiring “carryout  
2 restaurants” and “convenience stores” to dispose of such litter and debris once in each twenty-four  
3 (24) hour period and containing abatement, enforcement and penalty clauses.

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

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

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

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

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

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

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

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

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

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

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

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

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

19           **SECTION THREE. Duty of Owner and Manager.** It shall also be the duty of the owner,  
20 manager or person in charge of said establishment to, at all times, keep the premises indoors, the  
21 premises outdoors, and within a three hundred foot (300') radius of all property lines on which said  
22 establishment is located, free from rubbish, litter, and other waste materials and debris including

1 food, beverages, napkins, straws, containers, bags, utensils, cups, plates, cans and other waste  
2 materials emanating from the establishment, emanating from the patrons or from the outside waste  
3 receptacles used by such good establishments.

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

10 **SECTION FOUR. Waste Receptacles.** A waste receptacles shall be placed at each  
11 pedestrian exit from the carryout restaurant building or convenience store building. In addition, a  
12 waste receptacle shall be placed on or adjacent to the parking areas serving the carryout restaurant  
13 or convenience store.

14 **SECTION FIVE. Enforcement.**

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

19 **B. Notice:**

20 1. Any police officer or inspector of the City of St. Louis, upon observing any violation of  
21 this ordinance upon any property in the City of St. Louis, may issue a notice directed to the owner  
22 of record of said property as disclosed in the assessor's office of the City of St. Louis, or to the

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

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

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

16 **D. Failure To Abate:** Immediately upon the termination of the time allowed in any such  
17 notice for the abatement of such nuisance, the police officer or building inspector who served such  
18 notice, or any other police officer who shall be assigned by the police department, shall investigate  
19 to determine whether or not such nuisance has been abated. In the event the owner or occupant of  
20 the property where such nuisance exists has failed within the prescribed time to abate such nuisance,  
21 then the police officer or building inspector who served such notice shall file a complaint charging  
22 violation of this section with the circuit court for the third judicial circuit, or a magistrate thereof,

1 charging violation of this section and demanding that the owner of the property or the occupant  
2 thereof, or both, be punished as herein provided.

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

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

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

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

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