

1 **BOARD BILL NO. 438**      **INTRODUCED BY ALDERMAN STEPEHN GREGALI**

2            An ordinance pertaining to littering, amending Ordinance 56726, approved March 29,  
3 1974, by repealing Section 11.18.010 of SECTION 805.010 of said Ordinance pertaining to the  
4 definitions and enacting in lieu thereof a new section pertaining to the same subject matter; also  
5 repealing Section 11.18.220 of SECTION 805.220 of said Ordinance pertaining to enforcement  
6 of this provision and enacting in lieu thereof a new section on the same subject matter; repealing  
7 Section 11.18.240 of SECTION 805.250 of said Ordinance pertaining to the penalty for violation  
8 and enacting in lieu thereof a new section pertaining to the same subject matter; and containing  
9 an emergency clause.

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

11 **SECTION ONE.** Section 11.18.010 of SECTION 805.220 of Ordinance 56726 is hereby  
12 repealed and enacted in lieu thereof is the following:

13 11.18.010 Definitions. For the purpose of this chapter the following terms, phrases, words and  
14 their derivatives shall have the meaning given herein. When not inconsistent with the context,  
15 words used in the present tense include the future, words used in the plural number include the  
16 singular number, and words used in the singular number include the plural number. The word  
17 "shall" is always mandatory and not merely directory.

18 A. "Commercial handbill" is any printed or written matter, any sample or device, dodger,  
19 circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original  
20 or copies of any matter of literature:

21            1. Which, while containing reading matter other than advertising matter, is  
22 predominantly and essentially an advertisement and is distributed or circulated solely for

1 advertising purposes, or solely for the private benefit and gain of the persons or legal entities  
2 engaged in the advertising in the above described handbill; and

3 2. Which advertises for sale any service, merchandise, product, commodity or thing; or

4 3. Which directs attention to any business, merchandise or commercial establishment or  
5 other activity for the purpose of either directly or indirectly promoting the interest thereof by  
6 sales; or

7 4. Which directs attention to or advertises any meeting, theatrical performance,  
8 exhibition or event of any kind, for which an admission fee is charged for the purpose of private  
9 gain or profit but the terms of this clause shall not apply where an admission fee is charged or a  
10 collection is taken up for the purpose of defraying the expenses incident to such meeting,  
11 theatrical performance, exhibition, or event of any kind, which is held, given or takes place in  
12 connection with the dissemination of information which is not restricted under the ordinary rules  
13 of decency, good morals, public peace, safety and good order, provided, that nothing contained  
14 in this clause shall be deemed to authorize the holding, giving or taking place of any meeting,  
15 theatrical performance, exhibition or event of any kind, without a license, where such license is  
16 or may be required by any law of this state or under any ordinance of this City.

17 B. "Drive-in restaurant" for the purposes of this chapter only, means any restaurant where food,  
18 frozen desserts or beverages sold from such restaurant are regularly available for consumption  
19 out-of-doors, on bicycles or in motor vehicles or other types of vehicles.

20 C. "Health officer" means any person who is employed by the Health Department of the City as  
21 a health sanitarian or any employee of the Health Department of the City who is employed as a  
22 health sanitarian and is also an appointee of the Marshal of the City as a deputy marshal.

23 D. "Litter" means any refuse or waste material of any kind whatever.

1 E. "Newspaper" means any newspaper of general circulation as defined by general law, any  
2 newspaper duly entered with the Post Office Department of the United States, in accordance with  
3 federal statute or regulation, and any newspaper filed and recorded with any recording officer as  
4 provided by general law; and, in addition thereto, means and includes any periodical or current  
5 magazine regularly published with not less than four issues per year and sold to the public.

6 F. "Non-commercial handbill" means any printed or written matter, any sample, or device,  
7 dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or  
8 otherwise reproduced original or copies of any matter of literature other than a "commercial  
9 handbill" or "newspaper," as defined herein.

10 **G. "Neighborhood Stabilization Officer" means an employee of the Neighborhood**  
11 **Stabilization Team who has been designated as an officer and is also known as a**  
12 **Neighborhood Improvement Specialist.**

13 H. "Occupant" means any person who, alone or jointly or severally with others, shall be in  
14 actual possession of any dwelling unit or of any other improved real property, either as owner or  
15 as a tenant, either with or without the consent of the owner thereof.

16 I. "Owner" means any person who, alone or jointly or severally with others, shall be in actual  
17 possession of, or have charge, care or control of any dwelling unit or of any other improved real  
18 property, as title holder, as employee or agent of the title holder, or as trustee or guardian of the  
19 estate or person of the title holder, including any land or lot in the City absent of any structures.

20 J. "Park" means a park, reservation, playgrounds, beach, recreation center, or any other public  
21 area in the City, owned or used by the City and devoted to active or passive recreation.

22 K. "Parkway" means a strip of land located between a sidewalk and a physical street, whether  
23 such land is located on a part of the street right-of-way or not.

1 L. "Person" means any individual, firm, partnership, association, corporation, company or  
2 organization of any kind.

3 M. "Place of business" means any place other than "private premises," "public building," or  
4 "public place," including any building or place used for commerce, religious services, vending a  
5 product or for public transport, as herein defined.

6 N. "Premises" means any building, place of business activity, or other place commonly  
7 includable in the term "premises," and includes adjacent sidewalks, gutters, streets, and other  
8 ways to centerline. "Private premises" are premises designed or used in whole or in part for  
9 private residential purposes, and shall include yards, grounds, walks, driveways, porches,  
10 mailboxes, and appurtenances.

11 O. "Public building" means any building owned or occupied by any governmental agency.

12 P. "Public place" means any kind and all streets, including street rights-of-way, sidewalks,  
13 boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds  
14 and buildings.

15 Q. "Public receptacle" means a litter storage and collection receptacle furnished by any "person"  
16 as defined herein, or by any governmental agency for use by the public.

17 **SECTION TWO.** Section 11.18.220 of SECTION 805.220 of Ordinance 56726 is hereby  
18 repealed and enacted in lieu thereof is the following:

19 11.18.220 Enforcement.

20 It shall be the duty of the health officers, deputy fire inspectors, **neighborhood stabilization**  
21 **officers**, and police officers to enforce the provisions of this chapter as follows:

1 A. Whenever a health officer, **neighborhood stabilization officer**, a deputy fire inspector or a  
2 police officer shall find upon any parcel of land a condition existing in violation of this chapter,  
3 he shall proceed as follows:

4 **1. If the officer determines that a violation of 11.18.030, 11.18.040, 11.18.060,**  
5 **11.18.110 and/or 11.18.140 exists, then the officer may utilize the enforcement, prosecution,**  
6 **and administrative procedures under Chapter 25.33 of the Code; or**

7 **2.** He may, at his discretion, issue a notice of violation of **any provision of** this chapter  
8 to the violator by mail, by service, or **by posting the notice on the premises**, which notice will  
9 explain the violation and demand its abatement forthwith or within a reasonable period of time.  
10 The time for abatement may be extended, at the discretion of the enforcing officer for a period  
11 not to exceed six months. No extensions of time for abatement may be granted if public health is  
12 endangered by existence of the violation. If abatement does not occur as demanded, the **health**  
13 **officer, deputy fire inspector, neighborhood stabilization officer or police officer** may make  
14 application to the city counselor who, if satisfied that there are reasonable grounds to believe that  
15 an offense has been committed and that a case against the accused can be made, shall file an  
16 information with the city court, pursuant to Supreme Court Rule 37.08.

17 B. In any case in which it is lawful for a police officer to arrest a person without warrant, at his  
18 discretion or at the request of a health officer, **neighborhood stabilization officer**, or deputy fire  
19 inspector, he may forthwith serve the person with a summons instead of arresting the accused.

20 C. Nothing in this section shall impair or interfere in any way all of the rights, powers, and  
21 duties of the health commissioner to abate nuisances pursuant to the provisions of Chapter 11.58  
22 or Articles I (25) or XIII (14C(c)) of the City Charter. The health commissioner may pursue all

1 enforcement remedies contained in this chapter and all other applicable chapters of this code,  
2 including Chapter 11.58, against violators of this chapter.

3 **SECTION THREE.** Section 11.18.240 of SECTION 805.250 of Ordinance 56726 is hereby  
4 repealed and enacted in lieu thereof is the following:

5 11.18.240 Penalty for violation.

6 **A. Penalty for violations enforced under Chapter 25.33.**

7 **Violations of this Chapter enforced and/or prosecuted under Chapter 25.33 of the Code**  
8 **shall be assessed the penalty set forth in Chapter 25.33. Any person, corporation or other**  
9 **legal entity appealing the assessed penalty shall file an appeal pursuant to the provisions in**  
10 **Chapter 25.33**

11 **B. Penalty for violations enforced under Chapter 11.18.**

12 Any person, corporation or other legal entity which violates any of the provisions of this chapter  
13 or participates in the violations of its provisions, either as a proprietor, owner, tenant, manager,  
14 superintendent or otherwise, **provided that the violations are not enforced under Chapter**  
15 **25.33**, shall be guilty of a misdemeanor and upon the conviction thereof shall be punished by a  
16 fine of not less than **twenty**-five dollars (\$25.00) and not more than five hundred dollars  
17 (\$500.00) or by imprisonment for not more than ninety (90) days or both such fine and  
18 imprisonment; except that any person who violates the provisions of Section 11.18.070  
19 prohibiting littering by persons in vehicles shall upon the conviction thereof be punished by a  
20 fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars  
21 (\$500.00). Each day that any violation hereunder shall continue shall constitute a separate  
22 offense and shall be subject to the penalties hereinabove set forth.

1 **SECTION FOUR.** This Ordinance, being deemed necessary for the immediate preservation of  
2 public health, safety and welfare, is hereby declared to be an emergency measure and shall  
3 become effective immediately upon its approval by the Mayor.