

1 **COMMITTEE SUBSTITUTE**  
2 **BOARD BILL # 108 INTRODUCED BY PRESIDENT JAMES F. SHREWSBURY AND**  
3 **ALDERMEN BARINGER /BOSLEY /YOUNG /VOLLMER/ SCHMID /WESSELS /FLORIDA**  
4 **/KENNEDY /BOYD**

5  
6 An ordinance pertaining to enforcement of code violations relating to buildings, structures and  
7 premises in the City of St. Louis; establishing an administrative procedure under the provisions of  
8 Section 479.011 RSMO. to enforce compliance with the provisions of the regulatory codes relating to  
9 buildings, structures and premises; containing a penalty clause and an effective date.

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

11 **SECTION ONE.** It shall be unlawful for any person, firm or corporation to be in  
12 conflict with or in violation of any of the provisions of any regulatory code relating to buildings,  
13 structures and premises in the City of St. Louis as such codes exist at the time of the effective  
14 date of this ordinance and as such codes may be amended in the future.

15 **SECTION TWO.** Whenever the code official determines that there has been a violation  
16 of any regulatory code relating to buildings, structures or premises or has grounds to believe that  
17 a violation has occurred, notice shall be given to the owner or the person or persons responsible  
18 therefore in the following manner;

19 Such notice shall:

- 20 1. Be in writing;
- 21 2. Include a description of the real estate sufficient for identification;
- 22 3. Include a statement of the violation or violations and why the notice is being  
23 issued;

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1           4.       Include a correction order allowing a reasonable time to make the repairs and  
2 improvements required to bring the dwelling unit or structure into compliance with the  
3 provisions of applicable code; and

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

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

8           1.       Delivered personally to owner or owners; or

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

12          3.       If the notice is returned showing that the letter was not delivered, a copy thereof  
13 shall be posted in a conspicuous place in or about the building, structure or premise affected by  
14 such notice;

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

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

19 1.   The date of the violation or, if the date of the violation is unknown, then the date the  
20 violation is identified;

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

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

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- 1 4. The amount of the fine for the code violation;
- 2 5. A description of the fine payment process, including a description of the time within which
- 3 and the place to which the fine shall be paid;
- 4 6. An order prohibiting the continuation or repeated occurrence of the code violation described
- 5 in the administrative citation;
- 6 7. A description of the administrative citation review process, including the time within which
- 7 the administrative citation may be contested and the place from which a request for hearing form
- 8 to contest the administrative citation may be obtained; and
- 9 8. The name and signature of the citing code official.

10 **SECTION FOUR** A. The administrative citation fine amount for a first violation under the  
11 provisions of this ordinance shall be Twenty-Five (\$25.00).

12 B. The administrative citation fine for repeat violations of the same code provision by the same  
13 person at the same property within twelve months from the date of the first administrative  
14 citation shall be Fifty Dollars (\$50).

15 C. Any administrative citation fine which is not paid on or before its due date shall accrue a  
16 penalty in an amount equal to the original administrative citation fine. Said penalty shall be  
17 collected in the same manner as the underlying fine.

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

20 B. Any administrative citation fine paid pursuant to subsection A. shall be refunded if it is  
21 determined, after a hearing, that the person charged in the administrative citation was not

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1 responsible for the violation or that there was no violation as charged in the administrative  
2 citation.

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

5 **SECTION SIX.** A. Any recipient of an administrative citation may contest that there  
6 was a violation of the code or that he or she is the responsible party by completing a Request for  
7 Administrative Hearing petition and returning it to the Office of the Building Commissioner,  
8 along with a non-refundable filing fee of \$20.00, within thirty days from the date of the  
9 administrative citation.

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

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

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

17 **SECTION SEVEN.** The Public Safety Director shall designate the hearing officer for  
18 the administrative hearing.

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

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- 1 B. At the hearing, the party contesting the administrative citation shall be given the  
2 opportunity to testify and to present evidence concerning the administrative citation.
- 3 C. The failure of any recipient of an administrative citation to appear at the administrative  
4 citation hearing shall constitute a failure to exhaust their administrative remedies.
- 5 E. The code violation notice, property record, and related documentation in the proper form, or  
6 a copy thereof, shall be prima facie evidence of the municipal code violation. The code official  
7 who issued the notice of violation need not be present.
- 8 F. The hearing officer may continue the hearing and request additional information from the  
9 code official or the recipient of the administrative citation prior to issuing a written decision.

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

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

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

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

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

4           **SECTION ELEVEN.** A. The hearing officer may not impose incarceration or any fine  
5 in excess of the amount allowed by the schedule of fines. Any sanction, fine or costs, or part of  
6 any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to  
7 exhaust, judicial review procedures under chapter 536, RSMo, shall be a debt due and owing the  
8 city, and may be collected in accordance with applicable law.

9 B. Any final decision or disposition of a code violation by a hearing officer shall constitute a  
10 final determination for purposes of judicial review, subject to review under chapter 536, RSMo.  
11 After expiration of the judicial review period under chapter 536, RSMo, unless stayed by a court  
12 of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may  
13 be enforced in the same manner as a judgment entered by a court of competent jurisdiction.  
14 Upon being recorded in the manner required by state law or the Uniform Commercial Code, a  
15 lien may be imposed on the real or personal property of any defendant entering a plea of nolo  
16 contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any  
17 debt due the city under this section and enforced in the same manner as a judgment lien under a  
18 judgment of a court of competent jurisdiction.

19           **SECTION TWELVE.** Effective date.

20           The provisions of this ordinance shall become effective One Hundred and Eighty (180)  
21 days after its passage and approval by the mayor.

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