

1 **COMMITTEE SUBSTITUTE**
2 **BOARD BILL # 311 INTRODUCED BY ALDERMEN FREEMAN BOSLEY, SR.**
3

4 An ordinance pertaining to brick dealers, repealing Ordinance 59429 as codified in
5 Section 8.28A of the Revised Code of the City of St. Louis, and enacting a new ordinance
6 requiring every person engaged in the sale or purchase of bricks to have a valid city
7 business license and a permit issued by the Director of Public Safety that is not more than
8 ninety (90) days from the date of issue and further establishing rules and regulations for
9 the sale of bricks and purchase of bricks by such brick dealers; containing a penalty
10 clause, a severability clause and an emergency clause.

11 WHEREAS, The theft of bricks from structures in the City is increasing; and

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

18 WHEREAS, Many structures from which bricks are being stolen are the property of the
19 Land Reutilization Authority, which, when it loses a building, loses its investment therein
20 of public funds and a potential source of revenue; and

21 WHEREAS, The loss of brick structures impairs efforts to rehabilitate and revive
22 neighborhoods;

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

24 **SECTION ONE.** Ordinance 59429 is hereby repealed and the following provisions are
25 adopted in lieu thereof.

1 **SECTION TWO.** Definitions.

2 As used herein, the following terms have the following meanings:

3 A. "Accept" used bricks means to assume possession or control of used bricks,
4 whether or not payment is made therefor.

5 B. "Brick" means a unit of building or street paving material, commonly made of clay
6 hardened by heat, or of cinders, generally rectangular in shape, building bricks being
7 generally smaller than paving bricks.

8 C. "Brick dealer" means a person or entity engaged in brick dealing, and his agents or
9 employees.

10 D. "Brick dealing" means purchasing, or purchasing and selling, used bricks.

11 E. "Brick Rustler" means any person removing bricks from a building or street
12 without a valid business license and a valid brick dealers permit as provided for in the
13 ordinance.

14 F. "Used brick" means all bricks other than those which have never been used for
15 building or paving purposes.

16 **SECTION THREE.** Brick dealer's permit--Required.

17 No person shall engage in brick dealing in the City without having a brick dealer's
18 permit issued pursuant to this ordinance and a valid City business license.

19 **SECTION FOUR.** Brick dealer's permit--Application--issuance.

20 A. Application for a brick dealer's permit shall be made to the Director of Public
21 Safety on a form provided by such Director and shall state where the business is to be
22 carried on. A brick dealer shall have a separate brick dealer's permit for each place at

1 which he purchases or sells bricks. A brick dealer's permit shall be issued for a period of
2 one year. Before any permit shall be issued, the Director of Public Safety shall procure:

3 1. The applicant's written statement that the applicant has installed or has at the place
4 of business for which the permit is sought a proper camera and has agreed to use it to
5 photograph each person selling or otherwise transferring bricks to the applicant, and to
6 make the photographs taken available to police officers or Department of Public Safety
7 employees upon request;

8 2. The applicant's written statement that the applicant will maintain a register of all
9 purchases and sales and will make the same available for inspection by police officers or
10 Department of Public Safety employees upon request;

11 3. The applicant's acknowledgement of his obligation to require display of a
12 demolition permit and a valid City business license before accepting used bricks.

13 B. At the time of issuance of a brick dealer's permit, the Director of Public Safety
14 shall furnish a copy of this ordinance to the permittee.

15 C. No fee shall be required for a brick dealer's permit under this chapter, provided,
16 however, that brick dealers shall be subject to all license and tax requirements imposed
17 by or pursuant to other applicable ordinances.

18 **SECTION FIVE. Brick dealer's permit--Revocation.**

19 In addition to the penalties provided by this ordinance, the Director of Public Safety
20 shall have power and authority to revoke any permit issued under this ordinance for any
21 violation by a brick dealer at the location for which the permit was issued of any of the
22 provisions of this ordinance. Such a permit may be revoked only after the permittee shall
23 have been notified in a notice addressed to him at his mailing address as indicated on his

1 brick dealer's permit application of the violation complained of. Such notice shall also
2 state that a hearing will be held before the Director of Public Safety on a date certain but
3 not sooner than ten days after mailing of the notice, on the subject of revocation of the
4 permit in question. Such hearings shall be, and be conducted as, "contested cases" under
5 Chapter 536, Revised Statutes of Missouri as amended. In the event of revocation of a
6 permit by the Director of Public Safety under this section, such Director shall notify all
7 licensing authorities of the City, which shall proceed in the manner provided under this
8 section to initiate proceedings for revocation of any license relating or pertaining to
9 business activities of the brick dealer related to his business as a brick dealer, for
10 example, a demolition contractor's license.

11 **SECTION SIX.** Photograph of brick seller required.

12 No brick dealer shall accept any used bricks from any person unless he shall make a
13 photograph of such person holding the demolition permit for the structure from which
14 such bricks were removed, in such a way that the demolition permit number and the
15 issuing authority's name are visible in the photograph. All such photographs shall be
16 developed and kept by the brick dealer at the location where the bricks were accepted by
17 the dealer or to which the bricks were transported by the dealer after acceptance, for a
18 period of one year from the date of the acceptance and shall be available to the police
19 officers or Department of Public Safety employees for inspection during the brick
20 dealer's normal business hours, and shall be furnished to them upon their written request.
21 Failure to take, have developed, keep, or make available a photograph shall be deemed a
22 violation of this ordinance.

23 **SECTION SEVEN.** Demolition permit requirements.

1 A. No brick dealer shall accept used bricks unless the seller has a current business
2 license and a demolition permit is displayed for the demolition of the structure from
3 which the bricks were removed.

4 B. No brick dealer shall accept used bricks from a person displaying a demolition
5 permit issued by the Division of Building and Inspection of the Department of Public
6 Safety of the City of St. Louis, if the expiration date on such permit is sixty or more days
7 prior to the date it is displayed to the brick dealer, or if such dealer knows or in the
8 exercise of ordinary care should know that such permit is forged or has been altered in
9 any respect. The Director of Public Safety shall encourage brick dealers to verify data on
10 demolition permits, and shall endeavor to make such verification as convenient as
11 possible for brick dealers.

12 C. A failure of compliance by a brick dealer with this section in any respect shall be
13 deemed a violation of this ordinance.

14 **SECTION EIGHT.** Register of transactions required.

15 A. Every brick dealer shall keep a written register at each location where he engages
16 in brick dealing. Such register shall show, for each transaction involving acceptance of
17 used brick by the dealer at that location:

- 18 1. The date and time thereof;
- 19 2. The seller's or transferor's name, address, motor vehicle operator's or chauffeur's
20 license number, motor vehicle license plate number and social security number;
- 21 3. The quantity of brick sold or transferred;
- 22 4. The consideration paid or payable for such brick, if any;

1 5. The seller or transferor's statement of the location from which the brick was
2 obtained;

3 6. The issuing authority, demolition permit number, and the date of each demolition
4 permit displayed to him.

5 B. The register shall be open to inspection and copying by police officers or
6 Department of Public Safety employees during the brick dealer's normal business hours.

7 C. The making of a false entry in, or the failure to make a complete entry of a
8 transaction in, the register shall be deemed a violation of this ordinance.

9 **SECTION NINE.** Purchases from minors--Hours of operation.

10 No brick dealer shall purchase any used bricks from any minor, at any time, or from
11 any person whomsoever, between the hours of seven p.m. and seven a.m.

12 **SECTION TEN.** Removal and Transportation of bricks.

13 No person shall remove bricks from a building or street without a valid business
14 license and a valid brick dealer permit as provided for in the ordinance. It shall be a
15 violation of this ordinance for any brick rustler to transport bricks upon any public right
16 of way within the City of St. Louis.

17 **SECTION ELEVEN.** Penalty for violation.

18 A. Any brick dealer who shall conduct business in violation of any of the provisions
19 of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500)
20 or a term of imprisonment of not more than Ninety (90) days or by both a fine and
21 imprisonment.

22 B. Any person who shall buy or sell bricks in violation of the provisions of this
23 ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500) or a

1 term of imprisonment of not more than Ninety (90) days or both a fine and imprisonment.
2 For purposes of this section every brick purchased or sold in violation of this ordinance
3 shall constitute a separate transaction and shall be deemed a separate violation for the
4 purpose of assessing a penalty. The penalty for such violation shall be not less than Fifty
5 Cents (\$.50) per brick.

6 **SECTION TWELVE. SEVERABILITY CLAUSE.** The provisions of this ordinance
7 shall be severable. In the event that any provision of this ordinance is found by a court of
8 competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance
9 are valid unless the court finds the valid provisions of this ordinance are so essentially
10 and inseparably connected with, and so dependent upon, the void provision that it cannot
11 be presumed that the Board of Aldermen would have enacted the valid provisions without
12 the void ones or unless the Court finds that the valid provisions, standing alone, are
13 incomplete and incapable of being executed in accordance with the legislative intent.

14 **SECTION THIRTEEN.** Emergency clause.

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16 This being an ordinance for the preservation of public peace, health, and safety, it is
17 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of
18 Article IV of the Charter of the City of St. Louis and therefore shall become effective
19 immediately upon its passage and approval by the mayor.