

1 **BOARD BILL NO. 69 CSAA**

INTRODUCED BY

2 **ALDERWOMAN CARA SPENCER,**
3 **ALDERWOMAN CHRISTINE INGRASSIA, ALDERMAN SAMUEL MOORE,**
4 **ALDERMAN CHRIS CARTER, ALDERMAN SHANE COHN, ALDERWOMAN**
5 **DONNA BARINGER, AND ALDERMAN KENNETH ORTMANN**

6 An ordinance enacting a new Section of the Revised Code of the City of St. Louis, titled
7 the “City of St. Louis Short-Term Lending Code,” pertaining to the regulation of Short-
8 Term Loan Establishments, as defined herein.

9 **WHEREAS,** the Board of Aldermen has received information causing it to
10 conclude that the lending and marketing practices of Short-Term Loan Establishments, as
11 defined herein, can result in serious financial hardships to some of its citizens,
12 particularly its elderly and low income citizens, from which they cannot extract
13 themselves; can perpetuate poverty; can perpetuate the dependency upon public financial
14 assistance, housing, health care, and social services; and can perpetuate the physical and
15 emotional deterioration of our neighborhoods; and

16 **WHEREAS,** the Board of Aldermen has received information causing it to
17 conclude that the proliferation and evolution over the past several years of Short-Term
18 Loan Establishments both in the City as a whole and, more particularly, in certain areas
19 of the City, cause or contribute to the deterioration of certain of the City’s commercial
20 and residential areas; and

21 **WHEREAS,** the Board of Aldermen has received information that the patterns of

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1 this proliferation and evolution suggest the industry targets low-income citizens, who are
2 most likely to suffer financial hardship as a result of the lending practices and small loan
3 products offered by Short-Term Loan Establishments; and

4 **WHEREAS**, the Board of Aldermen recognizes that the City of St. Louis
5 currently regulates Short-Term Loan Establishments in certain regards but further
6 recognizes that those City regulations have not adapted to the evolving nature of the
7 establishments' terms and conditions; and

8 **WHEREAS**, the Board of Aldermen recognizes that the State of Missouri
9 regulates Short-Term Loan Establishments in certain regards but further recognizes that
10 those State regulations do not meet the level of restriction seen in adjacent states, nor do
11 they adequately protect the City's citizens from certain lending and marketing practices
12 of Short-Term Loan Establishments, nor do they adequately protect the City's
13 commercial and residential neighborhoods from the deteriorating effects of the presence
14 and proliferation of Short-Term Loan Establishments; and

15 **WHEREAS**, the Board of Aldermen believes that the City has the authority to
16 further regulate Short-Term Loan Establishments in the manner set out below; and

17 **WHEREAS**, the Board of Aldermen finds that the further regulation of Short-
18 Term Loan Establishments is necessary for the promotion and protection of the public
19 health, safety, and welfare of its citizens, its interests, and those of its citizens, in
20 maintaining the quality of its commercial and residential neighborhoods and its interests
21 in maintaining its tax base.

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

2 **SECTION 1. Title of ordinance.**

3 This Ordinance shall be known as the “City of St. Louis Short-Term Lending
4 Code” or the “Short-Term Lending Code.”

5 **SECTION 2. Enactment of the Short-Term Lending Code**

6 The following Short-Term Lending Code is hereby enacted and shall be codified
7 in a suitable location in the Revised Code of the City of St. Louis:

8 **1. Legislative findings.**

9 The Board of Aldermen finds and concludes the following:

10 (a) That the lending and marketing practices of Short-Term
11 Loan Establishments, as defined herein, can result in serious
12 financial hardships to some of its citizens, particularly its elderly
13 and low income citizens, from which they cannot extract
14 themselves; can perpetuate poverty; and can perpetuate the
15 dependency upon public financial assistance, housing, health care
16 and social services;

17 (b) That the proliferation over the past several years of Short-
18 Term Loan Establishments both in the City as a whole and, more
19 particularly, in certain areas of the City, cause or contribute to the
20 deterioration of certain of the City’s commercial and residential
21 areas;

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1 (c) That the patterns of this proliferation suggest the industry
2 targets low-income citizens most likely to suffer financial hardship
3 as a result of the lending practices and small-loan products offered
4 by Short-Term Loan Establishments; and

5 (d) That the further regulation of Short-Term Loan
6 Establishments is necessary for the promotion and protection of:
7 the public health, safety, and welfare of the City's citizens; the
8 City's interests, and those of its citizens, in maintaining the quality
9 of its commercial and residential neighborhoods; and the City's
10 interests in maintaining its tax base.

11 **2. Definitions.**

12 The following words, when used in the Short-Term Lending Code,
13 shall have the meanings ascribed to them in this section, except where the
14 context clearly indicates a different meaning:

15 *Commissioner* means the commissioner of the Building
16 Division of the City of St. Louis or a person designated by the
17 commissioner.

18 *Permittee* means any individual, firm, association, corporation,
19 partnership, association or organization holding a permit issued by
20 the commissioner pursuant to the Short-Term Lending Code to
21 operate a Short-Term Loan Establishment.

1 *Premises* means the bounds of the enclosure where a Short-
2 Term Loan Establishment conducts business and includes parking
3 lots and other adjacent private property occupied by or used in
4 connection with the business.

5 *Short-Term Loan Establishment* means an establishment which
6 (a) engages in the business of providing money to customers on a
7 temporary basis, wherein such loans are secured by post-dated
8 check, paycheck, or car title, or (b) is registered as a lender under
9 state or federal law. This classification does not include a state or
10 federally chartered bank, savings and loan association, credit
11 union, or mortgage broker or originator. This classification does
12 not include nonprofit organizations exempt from taxes under
13 Section 501(c)(3) of the Internal Revenue Code of 1986 as
14 amended, nor does it include organizations certified as Community
15 Development Financial Institutions by the U.S. Treasury. Further,
16 this classification does not include the businesses of licensed
17 pawnbrokers or establishments selling consumer goods, including
18 consumables, where the loans or the cashing of checks or money
19 orders are incidental to the main purpose of the business. This
20 classification does include, but is not limited to, check cashing
21 stores, payday loan stores, and car title loan stores.

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1 (b) to operate such business after such permit has expired or
2 has been revoked or suspended by the City.

3 A permit shall be required for each location at which a Short-Term
4 Loan Establishment operates in the City; even a location within another
5 business operation. A permit shall be valid for a period of time of one
6 calendar year (or the remaining portion of a calendar year) and must be
7 renewed annually. This permit shall be in addition to any other permit or
8 license required by other local, state, or federal government agencies. No
9 permit shall be issued for any business seeking to operate at a location
10 prohibited by any applicable local, state, or federal law, statute, ordinance,
11 rule, or regulation; provided, however, that a business lawfully in
12 existence on the date of adoption of such prohibition may be issued a
13 permit if allowed by such provisions.

14 **5. Permit duration; renewal; fees.**

15 (a) Permits for the operation of a Short-Term Loan Establishment
16 shall be annual permits which expire on December 31 of each year. Each
17 permit shall include the name of the permit holder and address of the
18 premises. Permits in good standing on the date of their expiration shall be
19 eligible for renewal. The application for a permit shall be accompanied by
20 payment in full of the fee stated in this section, by cash, certified or
21 cashiers check, or money order. No application shall be considered

1 complete until the fee is paid. The fee shall not be refunded under any
2 circumstances.

3 (b) The fee for each permit shall be as follows:

4 (1) New Short-Term Loan Establishment permit:
5 \$5,000.00 per year or \$2,500.00 if less than six (6) months
6 remain in the calendar year.

7 (2) Renewal of Short-Term Loan Establishment permit:
8 \$5,000.00 per year.

9 (c) No fees will be effective until approved by a simple majority of
10 the City's electors.

11 **6. Inspections.**

12 The commissioner is hereby empowered to appoint inspectors of
13 Short-Term Loan Establishments, and all those premises shall be open to
14 the inspections of the commissioner, inspectors appointed by the
15 commissioner, any member of the police department, or that
16 establishment's appointed Neighborhood Improvement Specialist at any
17 time during the hours allowed for business and at other reasonable times.

18 **7. Authority to prescribe additional regulations.**

19 The commissioner shall have the power to promulgate regulations
20 as may be necessary and feasible for the carrying out of the intent of the
21 Short-Term Lending Code and the duties of the commissioner under the

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1 Short-Term Lending Code which are not inconsistent with the provisions
2 of the Short-Term Lending Code.

3 **8. Penalty for violation of Short-Term Lending Code.**

4 It shall be unlawful for any person to violate any of the provisions
5 of the Short-Term Lending Code. Upon conviction thereof, such person
6 shall be fined not less than \$100.00 and not more than \$500.00, or be
7 punished by imprisonment at the municipal correctional institution or in
8 such other place as provided by law for a period of time up to, and
9 including, 180 days, or be punished by both such fine and imprisonment.
10 Each day's violation of, or failure, refusal, or neglect to comply with, any
11 provision of the Short-Term Lending Code shall constitute a separate and
12 distinct offense. The penalties provided in this section are in addition to,
13 and are separate from, any administrative actions by the commissioner to
14 suspend, revoke, or disapprove renewal of a permit issued under the Short-
15 Term Lending Code.

16 **8.1. Alternative administrative citation fine for violation of Short-
17 Term Lending Code.**

18 The commissioner may impose administrative fines for violations
19 of the Short-Term Lending Code pursuant to the procedures set out in
20 Chapter 25.33 of the Revised Code of the City of St. Louis.

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1 permit or the renewal thereof to the commissioner or the commissioner's
2 designee. The application shall be signed by the applicant and notarized.
3 All applications shall be submitted on a form supplied by the
4 commissioner and shall set forth at least the following:

5 (a) The name, residence address, electronic mail address,
6 home and cell telephone number, and date and place of birth of the
7 applicant;

8 (b) The business name, street address of the business
9 premises, electronic mail address of the business, and telephone
10 number of the business;

11 (c) The names, residence addresses, residence and cell
12 telephone numbers, and dates and places of birth of the following:

13 (1) All partners, if the applicant is a partnership;

14 (2) All members, if the applicant is a limited
15 liability company;

16 (3) All corporate officers and commissioners and
17 all shareholders with greater than a ten percent
18 (10%) interest in the corporation, if the
19 applicant is a corporation; and

20 (4) All persons having an ownership interest in
21 any other type of business entity or

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association.

(d) Whether or not the applicant has been convicted of violating any provision of the Short-Term Lending Code; has been convicted of a felony, misdemeanor, infraction or ordinance violation involving moral turpitude, a breach of a fiduciary obligation, or crimes of physical violence or against property; or has ever had a permit issued under the Short-Term Lending Code revoked or suspended and, if so, the reason therefore;

(e) Evidence and information of any kind tending to demonstrate that the permit being sought will be utilized in the applicant's business conducted in accordance with the provisions of the Short-Term Lending Code;

(f) If the applicant is a Missouri corporation, a certificate of good standing issued by the Missouri secretary of state not more than 30 days prior to the submittal of the application or, if a foreign corporation, a certificate of authority to do business issued by the Missouri secretary of state not more than 30 days prior to the submittal of the application; and

(g) Such further information as the commissioner may reasonably require.

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16. Criteria for issuance of permit.

The commissioner shall investigate the application for a Short-Term Loan Establishment permit and shall issue the permit authorized by the Short-Term Lending Code if the commissioner finds that each of the following conditions is met without exception:

- (a) Applicant is current in all taxes, fees, and other amounts due to the City on any account, for any purpose;
- (b) The application is complete and appears to be truthful and accurate;
- (c) The application is accompanied by the required fee;
- (d) The location of the premises meets all applicable spacing, distance, and location requirements of the zoning ordinances, including those outlined in Section 26.08.384 of the Revised Code of the City of St. Louis;
- (e) The premises meets all other applicable health, safety, zoning, property maintenance, building and fire codes, and ordinances of the City;
- (f) The premises has a clean and adequate waiting area and adequate heating, ventilating, and air conditioning which is made available to customers or patrons;
- (g) Applicant has provided the commissioner with a

1 designated agent for service who can regularly be found in the City
2 during normal business hours; and

3 (h) Applicant has demonstrated to the commissioner a
4 “Good Neighbor Plan” which includes all requirements outlined in
5 Section 23 of the Short-Term Lending Code as well as any other
6 conditions that the commissioner finds necessary or appropriate to
7 ensure that the short-term loan establishment is not operated in a
8 manner that will be detrimental to the public health, safety, or
9 welfare, or that will result in the creation of a nuisance.

10 The commissioner is authorized to make inspections of the Short-
11 Term Loan Establishment’s premises at reasonable times and hours of any
12 day in which it is operating or is to be located for purposes of determining
13 whether such Short-Term Loan Establishment fully complies with the
14 provisions of the Short-Term Lending Code.

15 **17. Approval or disapproval of application and hearing.**

16 (a) The application for a Short-Term Loan Establishment permit,
17 or the renewal thereof, authorized under the Short-Term Lending Code
18 shall be approved or disapproved within 30 days from the date of the
19 commissioner’s determination that the application is complete, unless the
20 applicant agrees in writing to an extension of that time period. If a permit
21 application is disapproved, the commissioner shall notify the applicant in

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1 person, or by registered or certified mail to the applicant's last known
2 address, and shall state the basis for such disapproval.

3 (b) If within ten (10) days after the commissioner delivers notice
4 to an applicant in person or mails notice to the applicant that the
5 application has been disapproved, the applicant files with the
6 commissioner a written request for a hearing before the commissioner on
7 whether the applicant has satisfied the criteria set forth in this Section 16
8 of the Short-Term Lending Code; then, the commissioner shall, within five
9 days of receipt of a timely request, mail a notice of a hearing to the
10 applicant, which shall include the date, time, and place for the hearing
11 before the commissioner. The date for the hearing shall be not less than 10
12 days, nor more than 40 days, following the filing of the request for a
13 hearing under this section, unless the aggrieved party requesting the
14 hearing agrees to extend the time for the hearing.

15 **18. Reserved.**

16 **19. Reserved.**

17 **20. Reserved.**

18 **21. Display of license or permit.**

19 Every individual, firm, corporation, partnership, organization, or
20 association holding a permit under the Short-Term Lending Code as a
21 Short-Term Loan Establishment shall post the permit in a conspicuous

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1 place and manner on the premises.

2 **22. Compliance with the Short-Term Lending Code and other**
3 **regulations.**

4 It shall be the duty of a permittee to comply with all of the
5 provisions of the Short-Term Lending Code, as well as the building codes,
6 zoning, fire, health, safety, nuisances, and property maintenance
7 ordinances of the City, and with all regulations issued by the
8 commissioner pertaining to Short-Term Loan Establishments. Failure to
9 comply with the ordinances or regulations after written notification of
10 noncompliance has been delivered to the permittee by the city may be a
11 basis for suspension, revocation, or nonrenewal of the permit.

12 **23. Permittee’s duties to adhere to a “Good Neighbor Plan.”**

13 (a) It shall be the affirmative duty of each permittee to adhere to a
14 “Good Neighbor Plan,” which shall include, at a minimum:

15 (1) Post and enforce a no loitering policy on the premises,
16 including parking areas and other exterior parts of the premises;

17 (2) Post a notice printed in not less than 24-point bold type
18 within 3 feet of each location within the premises at which a
19 customer, borrower, or other member of the general public is
20 invited or directed to stand or sit to either apply for a loan, to
21 answer or ask questions, to review or sign transaction documents,

1 to receive loan proceeds, to make payments or to inquire about, or
2 apply for, the renewal or the rolling over of a loan, which sets out
3 the following information: (i) the word “WARNING” in bold
4 capital letters, (ii) that this establishment is a short-term loan
5 establishment and is not a federally chartered bank, savings and
6 loan association, or credit union, (iii) the interest rates and fees
7 charged, (iv) the annual percentage rate equivalent of the aggregate
8 of those interest rates and fees charged per \$100.00 borrowed, (v) a
9 computation of the amounts that would be paid on an original loan
10 renewed or rolled-over after the expiration of its original term
11 without any payment of either principal or interest each time, up to
12 the six times, (vi) a warning that default may result in loss of
13 property used as security for the loan and garnishment of wages
14 and checking and savings accounts, and (vii) notice of any state or
15 federal rights to rescind the loan agreement;

16 (3) Prevent public displays of indecency, prostitution, or
17 solicitation for prostitution from taking place on the premises,
18 whether in or out of public view at all times during the hours of
19 operation;

20 (4) Prevent disorderly conduct, disturbances of the public
21 peace, and gambling from taking place on the premises at all times

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1 during the hours of operation;

2 (5) Prevent any unlawful sale, distribution, delivery, or use
3 of controlled substances, illegal drugs or narcotics on the premises
4 at all times during the hours of operation;

5 (6) Prevent any sale, distribution, delivery, or use of any
6 alcoholic beverages of any kind on the premises at all times during
7 the hours of operation;

8 (7) Allow law officers, code enforcement officers, health
9 officers, or other representatives of the city or other public
10 agencies full access to the premises at any time during hours of
11 operation for purposes of inspection to ensure compliance with the
12 Short-Term Lending Code and other applicable laws;

13 (8) Regularly inspect and maintain the premises and all
14 adjacent sidewalks and alleys within 50 feet of the premises for
15 purposes of removing any trash or litter found thereon;

16 (9) Ensure that the licensee or a manager of the business is
17 present at the premises at all times during its hours of operation;

18 and

19 (10) During the hours of operation, promptly report to the
20 police department acts of indecency, prostitution or solicitation for
21 prostitution, disorderly conduct, disturbances of the public peace,

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1 gambling, unlawful sale, distribution, delivery or use of controlled
2 substances, illegal drugs or narcotics, and the sale, distribution,
3 delivery, or use of any alcoholic beverages of any kind on the
4 alleys, sidewalks, and streets adjacent to the premises.

5 (b) The permit and the standards of operation, affirmative duties
6 and other requirements of the Short-Term Lending Code shall apply to an
7 entire business operation and its premises, regardless of the fact that some
8 parts of the business operation, if conducted separately at a different
9 location, would not be subject to a permit under the Short-Term Lending
10 Code.

11 (c) Failure to comply with the requirements of this section and all
12 other requirements of the Short-Term Lending Code is unlawful.

13 **24. Referral to Alternative Financial Assistance**

14 It shall be the affirmative duty of each permittee to provide to all
15 interested customers or patrons the current “Alternatives to Short Term
16 Loans” guide, as provided by the Office of Financial Empowerment and
17 approved by the Treasurer of the City of St. Louis or other such guides
18 that provide the same information.

19 **25. Reserved.**

20 **26. Suspension, revocation, or denial.**

21 (a) Any permit issued under the provisions of the Short-Term

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1 Lending Code may be suspended or revoked or any permit may be denied
2 by the commissioner, after due notice and affording an opportunity for a
3 hearing, for any violation of the provisions of the Short-Term Lending
4 Code. Once said permit is suspended or revoked, notification shall be
5 given immediately to the License Collector's Office. Within ten (10) days
6 after the denial, suspension or revocation of any permit issued under the
7 Short-Term Lending Code, or for any other cause expressly allowed in the
8 Short-Term Lending Code, any person aggrieved thereby may apply in
9 writing to the commissioner for a hearing thereon, and the commissioner
10 shall then promptly set a time and date for a hearing thereon.

11 (b) Hearing procedures. The following procedures shall apply to
12 all hearings conducted under this section:

13 (1) The applicant, permittee, or an owner, as the case may
14 be, shall have full right to be represented by counsel, to produce
15 witnesses and other evidence, and to cross examine all witnesses
16 who appear against him. Oral evidence shall be taken only upon
17 oath or affirmation. All proceedings in such hearing shall be
18 recorded and transcribed as required by law. The commissioner
19 may receive evidence relevant to the issues from the applicant,
20 permittee, or from other sources.

21 (2) If a hearing is held under the provisions of the Short-

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1 Term Lending Code, then the commissioner shall issue findings of
2 fact and conclusions of law, and an order wherein he may approve
3 or disapprove an application, suspend or revoke a permit
4 previously issued, or renew or refuse to renew a permit previously
5 issued. The commissioner's order shall be served upon the
6 applicant or permittee, as the case may be, in person or by
7 registered or certified mail to the applicant's or permittee's last
8 known address. If the commissioner is not able to serve the order
9 upon the applicant, permittee, or applicant for renewal permit in
10 the manner stated in this subsection, and any notice sent by mail is
11 returned by the postal service, the commissioner shall cause the
12 order to be posted at the principal entrance of the business, and that
13 posting shall be a valid means of service. The commissioner's
14 order shall also be posted for 30 days in the City's Building
15 Division.

16 (c) Unless otherwise provided in the Short-Term Lending Code,
17 any applicant or any other person aggrieved by the decision of the
18 commissioner under the provisions of the Short-Term Lending Code may
19 seek judicial review in a manner provided by law. The cost of a transcript
20 of a hearing before the commissioner shall be paid by the party requesting
21 the transcript.

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1 **27. Reserved.**

2 **28. Reserved.**

3 **29. Reserved.**

4 **30. Reserved.**

5 **31. Renewal of permit.**

6 (a) All Short-Term Loan Establishment permits shall expire on
7 December 31 of each calendar year. Renewal applications for such permits
8 shall be submitted between October 1 and November 30 of each calendar
9 year, accompanied by payment in full of the fee stated in the Short-Term
10 Lending Code, by cash, certified or cashiers check, or money order, and
11 no application shall be considered complete until the fee is paid. The fee
12 shall not be refunded under any circumstances. A Short-Term Loan
13 Establishment permit issued under the Short-Term Lending Code may be
14 renewed if an application in the form provided by the commissioner has
15 been filed with the application fee with the commissioner and if the
16 applicant is in compliance with the requirements in the Short-Term
17 Lending Code for an original permit including but not limited to Section
18 16 of the Short-Term Lending Code.

19 (b) Upon timely application therefore, and subject to meeting the
20 requirements in the Short-Term Lending Code for a new permit, a Short-
21 Term Loan Establishment permit may be renewed by issuance of a new

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1 permit in the manner provided in the Short-Term Lending Code unless the
2 commissioner disapproves the renewal application in the manner provided
3 by Section 17 of the Short-Term Lending Code.

4 (c) Upon the filing of a timely application for renewal of a permit
5 issued under the provisions of the Short-Term Lending Code, the
6 commissioner shall issue a temporary permit to the applicant, which
7 temporary permit shall remain in effect until the commissioner has
8 approved or disapproved the application. If a hearing is held as required
9 by Section 17 of the Short-Term Lending Code, the temporary permit shall
10 remain in effect until the commissioner has issued an order following the
11 hearing. However, if any hearing required by Section 17 of the Short-
12 Term Lending Code is delayed at the request of the applicant, the
13 temporary permit issued under the provisions of this subsection shall
14 expire as of the date the hearing was scheduled by the commissioner,
15 unless the applicant shows good cause for the delay.

16 (d) Any applicant issued a temporary permit under the provisions
17 of this section shall comply, or continue to comply, with the provisions of
18 the Short-Term Lending Code. Additionally, an applicant issued a
19 temporary permit under the provisions of this section shall be subject to
20 the penalty provisions provided in the Short-Term Lending Code.

21 (e) If the application for renewal of a permit is not made during

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1 the time provided in subsection (a) of this section, the permit shall expire
2 and the permittee shall cease those activities authorized under the Short-
3 Term Lending Code and the permittee shall file a new application and
4 meet all requirements of the Short-Term Lending Code before engaging in
5 the business or occupations regulated under the Short-Term Lending
6 Code. In addition, an application for renewal filed after the expiration date
7 shall be treated as a new application.

8 **SECTION 3. Effective Date.**

9 This ordinance will become effective 60 days after the voters of the City of St.
10 Louis pass a ballot measure that authorizes the fee for the Short-Term Loan
11 Establishment permit laid out in this ordinance.

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Sponsors: Alderwoman Cara Spencer,
Alderwoman Christine Ingrassia, Alderman Samuel Moore, Alderman Chris Carter,
Alderman Shane Cohn, Alderwoman Donna Baringer, and Alderman Kenneth Ortmann