

1 FLOOR SUBSTITUTE

2 BOARD BILL NO. 28 INTRODUCED BY: ALDERMAN FREEMAN BOSLEY

3 An ordinance pursuant to Sections 479.011 and 82.487 RSMo, recommended by the Parking
4 Commission; establishing an administrative adjudication system for municipal parking
5 violations in the City of St. Louis;

6 WHEREAS, Section 479.011 RSMo enables the City of St. Louis to establish by ordinance
7 an administrative adjudication system for parking and other nonmoving municipal code
8 violations consistent with applicable state law, subject to practice, procedure and pleading rules
9 established by the state supreme court, circuit court or municipal court;

10 WHEREAS, Section 82.487 RSMo provides in part that the Parking Commission on behalf of
11 the City of St. Louis shall approve guidelines governing the issuance, collection, disposition and
12 administrative adjudication of any parking violations in the City; and

13 WHEREAS, this ordinance has been recommended by the Parking Commission;

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

15

16 **SECTION ONE. Formation.** An Administrative Adjudication Unit, which shall serve as the
17 administrative tribunal for parking ordinance violations as that term is used in Section 479.011
18 RSMo, shall establish and maintain an administrative system for adjudicating parking ordinance
19 violations designated for administrative adjudication by ordinance. The Administrative
20 Adjudication Unit shall operate under the supervision of the Parking Commission, subject to
21 legal practice, procedure and pleading rules approved or recognized by the municipal court or
22 another division of the circuit court, in the Parking Violations Bureau or another location

1 approved by the Parking Commission.

2

3 **SECTION TWO. Jurisdiction.** The jurisdiction of the Administrative Adjudication Unit

4 shall encompass all citations issued by the City of St. Louis and officers of the St. Louis

5 Metropolitan Police Department for the violation of any ordinance relating to parking, as

6 defined in City ordinances, including, but not necessarily limited to, violations of ordinances

7 encompassed in City Code sections 17.16.210, 17.24.010, 17.24.020, 17.24.030, 17.24.040,

8 17.24.070, 17.24.080, 17.28.010, 17.30.020, 17.30.025, 17.30.070, 17.38.020, 17.62.020,

9 17.62.200, 17.70.010, 17.77.030 and 17.80.010 and any other codes designated for

10 administrative adjudication by ordinance. The Administrative Adjudication Unit shall be

11 responsible for the first level review and disposition of any parking citations that are contested

12 and provide for the collection of any unpaid fines, penalties and costs associated with those

13 parking citations.

14

15 **SECTION THREE. Review Process.** The administrative adjudication system shall provide

16 for an effective and efficient adjudication process for individuals who wish to contest a citation

17 for a violation of a code within the jurisdiction of the Administrative Adjudication Unit. The

18 administrative adjudication process authorized herein shall ensure a fair, impartial and efficient

19 review of contested municipal code violations, and shall afford the parties due process of law.

20 This **process shall provide a preliminary inquiry assessment** and, for those individuals dissatisfied

21 with the results of the **preliminary inquiry assessment**, an administrative hearing and, for

22 those individuals dissatisfied with the results of the administrative hearing, a judicial hearing.

1 A **preliminary inquiry assessment** shall entail an informal administrative process through
2 which an individual may submit an inquiry and obtain information about the validity of a
3 municipal code violation by mail, Internet or other means approved by the Parking
4 Commission. The Parking Commission shall adopt policies and procedures for governing the
5 administrative adjudication system. These policies and procedures shall document the manner
6 in which the Administrative Adjudication Unit is to perform administrative adjudication
7 activities, including, but not limited to, review rights and requirements, application and
8 documentation submittal requirements, notification deadlines and forms, disposition policies,
9 and appeal **criteria** and notification. In addition, all administrative hearings shall be conducted
10 in accordance with the legal practice, pleading and procedure rules established by the municipal
11 court, circuit court or Supreme Court.

12
13 **SECTION FOUR. Review Rights.** Any person issued a citation for violation of a City
14 ordinance shall be advised on the citation of the right to request administrative adjudication.
15 Any person wishing to contest a citation may **first** request a preliminary inquiry assessment of
16 the citation with the Administrative Adjudication Unit, but there shall be no filing fee for such
17 an assessment. Any person who desires an administrative hearing shall submit a formal request
18 for said hearing accompanied by a written statement of the grounds for contesting the citation,
19 and any other materials required by the prescribed administrative adjudication policies and
20 procedures. The Parking Commission may also require an administrative hearing fee not to
21 exceed twenty-five dollars (\$25.00) per contested violation, but said fee shall only be levied if
22 the person contesting the violation is deemed liable for the violation. Any person's right to an

1 administrative hearing shall expire if the Administrative Adjudication Unit does not receive a
2 documented challenge to the municipal violation within thirty (30) calendar days after the
3 issuance date of the citation, or by the close of business on the first day following such thirtieth
4 day if it is a Saturday, Sunday or holiday. Failure to comply with the prescribed administrative
5 adjudication policies and procedures shall result in the forfeiture of any fines and penalties paid
6 in connection with the contested violation and be deemed an admission of liability for that
7 violation.

8
9 **SECTION FIVE. Timing.** Administrative hearings shall be scheduled with reasonable
10 promptness and any notice of an administrative hearing shall include the code violation type
11 and nature, administrative hearing date and location and penalties for failing to appear at the
12 hearing. Upon receipt of a valid request for an administrative hearing, the Administrative
13 Adjudication Unit shall schedule the hearing, notify the applicant for the hearing (the
14 contestant) and suspend, as of the date of the hearing request, the applicability of any Parking
15 Commission policy which increases the penalty or any related costs for non-payment of the
16 parking violation fine being contested. Such suspension shall continue until the administrative
17 adjudication process is concluded. If the person contesting the citation (the contestant) fails to
18 appear at the scheduled administrative hearing, the suspension shall be terminated. The
19 administrative hearing date may be extended once, for not more than ten business days, by
20 contacting the Administrative Adjudication Unit and requesting said extension in accord with
21 the prescribed administrative adjudication policies and procedures.

22

1 **SECTION SIX. Hearing Officers.** The Parking Commission shall approve a process for
2 ensuring that qualified individuals conduct or preside over administrative hearings on behalf of
3 the Administrative Adjudication Unit, including the appointment and removal of administrative
4 hearing officers. As impartial and independent fact finders, administrative hearing officers
5 may: hear testimony and review relevant evidence; preserve and authenticate hearing records
6 and evidence; issue written findings of fact, decision, and order, including the fine, penalty or
7 action with which the contestant must comply; and impose penalties and assess costs consistent
8 with applicable state and local laws and rules. An administrative hearing officer shall be an
9 attorney licensed to practice law in the State of Missouri or another individual meeting those
10 requirements set forth in relevant state or local law. An administrative hearing officer shall
11 possess sufficient competence to administratively adjudicate municipal code violations,
12 including, but not necessarily limited to, experience in administrative law, familiarity with the
13 rules of procedure for administrative hearings, and a working knowledge of the subject area of
14 the municipal code violations that they will adjudicate. An administrative hearing officer's
15 employment and compensation shall not, directly or indirectly, be linked to the amount of fines.
16 Administrative hearing officers shall not be deemed members of the "classified service" of the
17 City of St. Louis, as that term is used in the City Charter and all ordinances promulgated
18 thereunder. The Parking Commission may establish additional policies and procedures for
19 ensuring that administrative hearing officers demonstrate the objectivity and qualifications
20 necessary to conduct fair, impartial and expeditious hearings.

21

22 **SECTION SEVEN. Evidence.** The formal rules of evidence shall not apply in any informal

1 review or administrative hearing. Evidence, including hearsay, may be admitted only if it is the
2 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
3 affairs. The officer or person who issued the citation need not be present. The parking violation
4 notice and related documentation in proper form, or a copy thereof, shall be prima facie
5 evidence of the municipal code violation.

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7 **SECTION EIGHT. Disposition.** Upon completing its review of the information submitted by
8 the person contesting the citation, the administrative hearing officers of the Administrative
9 Adjudication Unit shall determine in writing whether the contestant is liable or not liable for the
10 violation. If the contestant is found not liable for the violation, the Administrative Adjudication
11 Unit shall refund the filing fee or deposit (if any) and waive all violation fines and late payment
12 penalties accrued to date. If the contestant is found liable for the violation, the Administrative
13 Adjudication Unit shall keep the fines and penalties paid to date (if any), assess any violation
14 fines and late payment penalties and other fees accrued to date, direct the collection of any
15 unpaid fines and costs in accordance with Section 479.011 RSMo and reactivate other sanctions
16 in accord with the prescribed administrative adjudication policies and procedures, but it shall
17 not impose incarceration or any fine in excess of the amount allowed by law. The
18 Administrative Adjudication Unit shall notify the person contesting the citation of its decision
19 within ten (10) business days of the conclusion of the administrative hearing and, unless an
20 appeal is filed, return any material submitted by the contestant at the earliest practical time. If
21 the contestant fails to appear and is found liable by the administrative hearing officer, and
22 requests a new administrative hearing in accordance with approved policies and procedures, the

1 Administrative Adjudication Unit may set aside any finding and set a new administrative
2 hearing date, but only if it determines that the failure to appear at the administrative hearing was
3 for good cause. Any written determination of liability or non-liability for a code violation by
4 the Administrative Adjudication Unit, or one of its hearing officers shall constitute a final
5 decision for purposes of judicial review, subject to review under Chapter 536, RSMo.

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7 **SECTION NINE. Judicial Hearing.** Contestants aggrieved by the determination of the
8 Administrative Adjudication Unit **may apply for a** judicial review, subject to any application
9 requirements set by the circuit court, but any person's right to a judicial review shall expire if
10 the proper court does not receive a written request for a judicial review within thirty (30)
11 calendar days of the Administrative Adjudication Unit's issuance of its written determination.

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13 **SECTION TEN. Judgments.** Any sanction, fine or costs, or part thereof, remaining unpaid
14 after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536,
15 RSMo, shall be a debt due and owing the City of St. Louis, and may be collected in accordance
16 with applicable law. If a contestant fails to comply with a directive pertaining to the collection
17 of unpaid fines, penalties, fees and costs issued under authority of the Administrative
18 Adjudication Unit, any expenses incurred by the City of St. Louis to enforce the directive,
19 including, but not limited to, court, administrative and vehicle storage costs, after they are fixed
20 by the Administrative Adjudication Unit or a court of competent jurisdiction, shall be a debt due
21 the City of St. Louis and may be collected in accordance with applicable law. Upon being
22 recorded in the manner required by state law or the Uniform Commercial Code, a lien may be

1 imposed on the real or personal property of any contestant found liable for a municipal code
2 violation in the amount of any debt due the City under this section and enforced in the same
3 manner as a judgment lien under a court of competent jurisdiction.

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5 **SECTION ELEVEN. Fiscal.** All expenses of the Administrative Adjudication Unit shall be
6 payable from the Parking Fund and General Fund in proportion to the relative share of parking
7 citations heard, reviewed or adjudicated by the Administrative Adjudication Unit. All expenses
8 of the Administrative Adjudication Unit, including compensation or fees for the administrative
9 hearing officers, shall be subject to appropriation.

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11 **SECTION TWELVE. Other.** Nothing contained in this section shall be construed to affect
12 the validity of any other administrative adjudication systems authorized by local law and
13 created by the City of St. Louis before April 1, 2007.

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15 **SECTION THIRTEEN. Emergency Clause.** The passage of this ordinance, being deemed
16 necessary for the immediate preservation of the public peace, health and safety, is declared to
17 be an emergency ordinance as provided for by Article IV, Sections 19 and 20 of the Charter of
18 the City of St. Louis and shall be effective immediately upon the approval of the Mayor.