

1 **BOARD BILL NO. 94 INTRODUCED BY: ALDERMAN CRAIG SCHMID**

2 An ordinance pertaining to enforcement of code violations relating to the health and safety (ie.
3 environmental sanitation issues, animals, nuisances, hazardous materials, air pollution,
4 businesses, buildings and premises) and enforced by the Department of Health in the City of St.
5 Louis; establishing an administrative procedure under the provisions of Section 479.011 RSMo
6 (2009) to enforce compliance with the provisions of the regulatory codes relating to health and
7 safety; containing a penalty clause and an effective date. To be codified within Chapter Eleven of
8 the Revised Code of the City of St. Louis.

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

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

14 **SECTION TWO.** This ordinance should not be construed in any way as in contravention of the
15 duties and powers of the Health Commissioner relative to the condemnation and abatement of
16 any matter which may constitute a nuisance or eminent health hazard, and shall not negate or
17 preclude the availability of any other remedies for violation of any other City of St. Louis
18 Ordinance that might be applicable.

19 **SECTION THREE.** Whenever the code official determines that there has been a violation of
20 any regulatory code relating to health and safety or has grounds to believe that a violation has

1 occurred, notice shall be given to the owner or the person or persons responsible therefore in the
2 following manner;

3 Such notice shall:

4 1. Be in writing;

5 2. Include a description of the real estate sufficient for identification when applicable;

6 3. Include a statement of the violation or violations and why the notice is being issued;

7 4. If applicable, include a correction order allowing a reasonable time to make the repairs, abate
8 nuisances, or to complete any other action necessary to become compliant with the provisions of
9 applicable code; and

10 5. Inform the property owner or person responsible of the right to appeal.

11 The notice shall be directed to the owner or owners of such building, structure or premise as
12 recorded most recently in the City of Saint Louis Assessor's Office and/or the person or persons
13 responsible for violating the regulatory code. The notice shall be served in one of the following
14 ways:

15 1. Personal delivery to owner or owners and/or the person or persons responsible; or

16 2. Mailing a copy of said notice by regular U.S. mail, postage prepaid, direct to the owner or
17 owners or the person or persons responsible.

1 3. If the notice is returned by the U.S. Postal Service showing that the letter was not delivered, a
2 copy thereof shall be posted in a conspicuous place in or about the building, structure or premise
3 that is the subject property of or location of violation;

4 **SECTION FOUR.**

5 A. If the notice of violation is not complied with, the code official shall have the authority to
6 issue an administrative citation to any person responsible for the violation.

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

8 1. The date of the violation or, if the date of the violation is unknown, then the date the violation
9 is identified;

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

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

12 4. The amount of the fine for the code violation;

13 5. A description of the fine payment process, including a description of the time within which
14 and the place to which the fine shall be paid;

15 6. An order prohibiting the continuation or repeated occurrence of the code violation described in
16 the administrative citation;

1 7. A description of the administrative citation review process, including the time within which
2 the administrative citation may be contested and the place from which a request for hearing form
3 to contest the administrative citation may be obtained; and

4 8. The name and signature of the citing code official.

5 **SECTION FIVE.**

6 A. The administrative citation fine amount for a first violation under the provisions of this
7 ordinance shall be One Hundred Dollars (\$100.00), unless otherwise set forth in Section Two of
8 Exhibit A, attached to this ordinance and incorporated by reference.

9 B. The administrative citation fine for repeat violations of the same code provision by the same
10 person or at the same property within twelve months from the date of the first administrative
11 citation shall be Two Hundred Dollars (\$200.00), unless otherwise set forth in Section Two of
12 Exhibit A, attached to this ordinance and incorporated by reference.

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

16 **SECTION SIX.**

17 A. The fine shall be paid to the city within thirty days from the date of the administrative
18 citation.

1 B. Any administrative citation fine paid pursuant to subsection A. shall be refunded if it is
2 determined, after a hearing, that the person charged in the administrative citation was not
3 responsible for the violation or that there was no violation as charged in the administrative
4 citation.

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

7 **SECTION SEVEN.**

8 A. Any recipient of an administrative citation may contest that there was a violation of the code
9 or that he or she is the responsible party by completing a Request for Administrative Hearing
10 petition and returning it to the Department of Health, Bureau of Environmental Health Services,
11 along with a non-refundable filing fee of \$20.00, within thirty days from the date of the
12 administrative citation.

13 B. A Request for Administrative Hearing petition may be obtained from the Department of
14 Health, Bureau of Environmental Health Services

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

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

1 **SECTION EIGHT.** The Health Commissioner's designee or Chief of Environmental Health
2 Services shall designate the hearing officer for the administrative hearing.

3 **SECTION NINE.**

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

7 B. At the hearing, the party contesting the administrative citation shall be given the opportunity
8 to testify, and to present evidence concerning the administrative citation, and the party contesting
9 the administrative citation may be represented by counsel at any hearing, though this is not a
10 requirement.

11 C. The failure of any recipient of an administrative citation to appear at the administrative
12 citation hearing shall constitute a failure to exhaust their administrative remedies.

13 D. The code violation notice, property record, and related documentation in the proper form, or a
14 copy thereof, shall be prima facie evidence of the municipal code violation. The code official
15 who issued the notice of violation need not be present.

16 E. The hearing officer may continue the hearing and request additional information from the
17 code official or the recipient of the administrative citation prior to issuing a written decision.

18 **SECTION TEN.**

1 A. After considering all of the testimony and evidence submitted at the hearing, the hearing
2 officer shall issue a written decision to uphold or cancel the administrative citation and shall list
3 in the decision the reasons for that decision. The decision of the hearing officer shall be
4 considered a final decision.

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

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

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

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

16 **SECTION TWELVE.**

17 A. The hearing officer may not impose incarceration or any fine in excess of the amount allowed
18 by the schedule of fines. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
19 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
20 under Chapter 536 RSMo, shall be a debt due and owing the city, and may be collected in
21 accordance with applicable law.

June 27, 2014

Page 7 of 11

BB# 94 Sponsor: Alderman Craig Schmid

1 B. Any final decision or disposition of a code violation by a hearing officer shall constitute a
2 final determination for purposes of judicial review, subject to review under Chapter 536 RSMo.
3 After expiration of the judicial review period under Chapter 536 RSMo., and after expiration of
4 the ten day period allowed to the defendant under 479.011 RSMo. to request a trial de novo in
5 the Circuit Court, unless stayed by a court of competent jurisdiction, the administrative tribunal's
6 decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered
7 by a court of competent jurisdiction. Upon being recorded in the manner required by state law or
8 the Uniform Commercial Code, a lien may be imposed on the real or personal property of any
9 defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal
10 code violation in the amount of any debt due the city under this section and enforced in the same
11 manner as a judgment lien under a judgment of a court of competent jurisdiction.

12 **SECTION THIRTEEN.** Severability. The provisions of this ordinance are severable. If any
13 provision of this ordinance is declared invalid, that invalidity shall not affect other provisions of
14 the ordinance which can be given effect without the invalid portion.

15 **SECTION FOURTEEN.** Effective date.

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

18 **EXHIBIT A**

19 **SCHEDULE OF ADMINISTRATIVE FINES**

20 **SECTION 1. STANDARD FINE:**

1 Except as otherwise specifically set forth in Section 2 below, the administrative citation fine
 2 amount for a first violation of the City of St. Louis Revised Code or Ordinance, or State
 3 Regulation shall be One Hundred and no/100 Dollars (\$100.00).

4 **SECTION TWO. NONSTANDARD FINES:**

Offense	Section	Administrative citation fine
No Vaccination-Registration Certificate	10.04.050	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
No Rabies Vaccination Tag	10.04.060	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Unleashed or Loose Dog	10.04.220	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Unauthorized Use of Registration Tag	10.04.080 and 10.04.100	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Unleashed or Loose Cat	10.04.225	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Refusal to Surrender Biting Dog	10.04.230	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Failure to Comply with Dangerous Dog Registration	10.04.270	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Dogfighting	10.04.280	\$500.00
Violation of Tethering, Confinement and Treatment of Dogs and Cats on Owner/Guardian's Property	10.04.285	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent
Failure to Remove Dog Feces	10.04.310	\$100 1 st Offense, \$300 2 nd , \$500 3 rd and Subsequent

Cruelty to Animal(s)	10.12.010 and 10.20.017	\$250 1 st offense, \$500 2d and Subsequent
Possession of Prohibited and/or Wild Animals	10.20.015 and 10.24.010	\$250.00
More than 4 animals without kennel permit	10.20.011 and 10.20.012	\$250.00
No fumigation permit	11.08.020	\$250.00
Illegal dumping of waste, refuse, inert matter, or demolition material	11.02.365 and 11.08.510	\$250.00
Permitting or Allowing Rat Infestation	11.08.410 and 11.08.420 and 11.08.500	\$250.00
Accumulation and/or illegal dumping of garbage, rubbish, refuse, inert matter, and/or demolition material	11.08.520 and 11.18.060 and 11.02.365 and 11.08.510	\$250.00
Removal or covering of posted Grade or Health Commissioner's Order	11.42.232 10-101.38C	\$500.00
Manufacturing, producing, selling or offer for sale diseased, corrupted, adulterated, or unwholesome food or drink	11.40.010 and 11.48.120	\$500.00
Operating a food establishment without required health permit and/or Violation of Health Commissioner's Orders of Cessation	11.42.232 10-101.43G	\$500.00
Refusal or Interference with inspection or sampling of food establishment.	11.42.232 10-101.40 and 10-101.41	\$500.00
Refusal or Interference with sanitary inspection of any premises for discovery or abatement of nuisance	11.58.160	\$250.00
Insufficient Heat/No Heat	25.32.320 and 25.32.330	\$100, \$250 during cold weather warnings
Snow Removal (requiring snow removal of ice and snow from sidewalk)	11.18.210	\$100.00
Nuisance/No Water	11.58.050	\$250.00

1 **SECTION THREE. IMMINENT HEAZARDS TO HEALTH/SAFETY**

2 The Administrative fine for violation of any code provision, including those set forth in
3 Section Two. Nonstandard Fines, shall be \$500.00 if the code official indicates on the notice
4 of violation that the violation is an Imminent Hazard to the Health or Safety of the City of
5 St. Louis.

6 **SECTION FOUR. REPEAT VIOLATIONS.**

7 The Administrative Citation fine for repeat violations designated for Nonstandard Fines of the
8 same code provision by the same person or at the same property within twelve months from the
9 date of the first administrative citation shall be Five Hundred and no/100 Dollars. (\$500.)

10 **SECTION FIVE. LATE PENALTY**

11 Any Administrative Citation fine which is not paid on or before its due date shall accrue a
12 penalty in an amount equal to the original Administrative Citation fine. Said penalty shall be
13 collected in the same manner as the underlying fine.

14