

1 **BOARD BILL NO. 28 INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.**

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

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

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

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

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

14
15 **SECTION ONE. Formation.** An Administrative Adjudication Unit, which shall serve as the
16 administrative tribunal for parking ordinance violations as that term is used in Section 479.011
17 RSMo, shall establish and maintain an administrative system for adjudicating civil parking
18 ordinance violations and any other municipal code violations designated for administrative
19 adjudication by ordinance. The Administrative Adjudication Unit shall operate under the
20 supervision of the Parking Commission, subject to practice, procedure and pleading rules
21 approved or recognized by the municipal court or another division of the circuit court, in the

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1 Parking Violations Bureau or another location approved by the Parking Commission.

2

3 **SECTION TWO. Jurisdiction.** The jurisdiction of the Administrative Adjudication Unit shall
4 encompass all citations issued by City agencies for the violation of any ordinance relating to
5 parking, including, but not necessarily limited to, violations of City Code sections 17.16.210,
6 17.24.010, 17.24.020, 17.24.030, 17.24.040, 17.24.070, 17.24.080, 17.28.010, 17.30.020,
7 17.30.025, 17.30.070, 17.38.020, 17.62.020, 17.62.200, 17.70.010, 17.77.030 and 17.80.010
8 and any other codes designated for administrative adjudication by ordinance. The
9 Administrative Adjudication Unit shall be responsible for the first level review and disposition
10 of any parking citations that are contested and provide for the collection of any unpaid fines,
11 penalties and costs associated with those parking citations.

12

13 **SECTION THREE. Review Process.** The administrative adjudication system shall provide
14 for an effective and efficient adjudication process for individuals who wish to contest a citation
15 for a violation of a code within the jurisdiction of the Administrative Adjudication Unit. The
16 administrative adjudication process authorized herein shall ensure a fair and impartial review of
17 contested municipal code violations, and shall afford the parties due process of law in the most
18 expeditious and efficient manner possible. This process shall provide a preliminary inquiry
19 assessment and, for those individuals dissatisfied with the results of the preliminary inquiry
20 assessment, an administrative hearing and, for those individuals dissatisfied with the results of
21 the administrative hearing, a judicial hearing. A preliminary inquiry assessment shall entail an

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

11
12 **SECTION FOUR. Review Rights.** Any person issued a citation for violation of a City
13 ordinance shall be advised on the citation of the right to request administrative adjudication.
14 Any person wishing to contest a citation must first request a preliminary inquiry assessment of
15 the citation with the Administrative Adjudication Unit, but there shall be no filing fee for such
16 an assessment. Any person who desires an administrative hearing shall submit a formal request
17 for said hearing accompanied by a written statement of the grounds for contesting the citation
18 and any other materials required by the prescribed administrative adjudication policies and
19 procedures. The Parking Commission may also require an administrative hearing charge or fee
20 not to exceed twenty-five dollars (\$25.00) per contested violation. Only persons who have had
21 a preliminary inquiry assessment may be entitled to an administrative hearing, unless they

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1 satisfy criteria approved by the Parking Commission. Any person's right to an administrative
2 hearing shall expire if the Administrative Adjudication Unit does not receive a documented
3 challenge to the municipal violation within thirty (30) calendar days after the issuance date of
4 the citation, or by the close of business on the first day following such thirtieth day if it is a
5 Saturday, Sunday or holiday. Any person who fails to exercise the right to an informal review
6 or administrative hearing in accordance with the prescribed administrative adjudication policies
7 and procedures shall forfeit the administrative hearing fee (if any) and be deemed to have made
8 an admission of liability for that violation.

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

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1 the prescribed administrative adjudication policies and procedures.

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

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1 **SECTION SEVEN. Evidence.** The formal rules of evidence shall not apply in any informal
2 review or administrative hearing. Evidence, including hearsay, may be admitted only if it is the
3 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
4 affairs. The officer or person who issued the citation need not be present. The agency that issued
5 the citation need not produce any evidence other than the citation or copy thereof and
6 information from an appropriate public agency identifying the owner of record. Such
7 documentation in proper form shall be prima facie evidence of the municipal code violation.

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

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1 Adjudication Unit may set aside any default order and set a new administrative hearing date
2 upon receiving a petition within ten (10) business days after the issuance of the default order,
3 but only if it determines that the petitioner's failure to appear at the administrative hearing was
4 for good cause. Any final decision or disposition of a code violation by the Administrative
5 Adjudication Unit shall constitute a final determination for purposes of judicial review, subject
6 to review under Chapter 536, RSMo.

7
8 **SECTION NINE. Judicial Hearing.** The Administrative Adjudication Unit’s decision to
9 dismiss or uphold a code violation shall constitute a final determination for purposes of judicial
10 review, subject to review under applicable state administrative review law. Persons dissatisfied
11 with the results of the administrative hearing may apply for a judicial hearing, but any person’s
12 right to a judicial hearing shall expire if the proper court does not receive a written request for
13 an appeal within thirty (30) calendar days of the Administrative Adjudication Unit’s notification
14 of disposition. Any judicial hearing shall entail a formal hearing through which the person may
15 contest a violation before a municipal court judge or other judge approved by the circuit court,
16 conducted in accordance with the practice, pleading and procedure rules of the supreme court,
17 circuit court and municipal court.

18
19 **SECTION TEN. Judgments.** Any sanction, fine or costs, or part thereof, remaining unpaid
20 after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536,
21 RSMo, shall be a debt due and owing the City, and may be collected in accordance with

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1 applicable law. After expiration of the judicial review period under chapter 536, RSMo, unless
2 stayed by a court of competent jurisdiction, the Administrative Adjudication Unit's decisions
3 and orders may be enforced in the same manner as a judgment entered by a court of competent
4 jurisdiction. If a defendant fails to comply with the Administrative Adjudication Unit's order,
5 any expenses incurred by the City to enforce the order, including, but not limited to, attorney,
6 court, administrative and vehicle storage costs, after they are fixed by the Administrative
7 Adjudication Unit or a court of competent jurisdiction, shall be a debt due the City and may be
8 collected in accordance with applicable law. Upon being recorded in the manner required by
9 state law or the Uniform Commercial Code, a lien may be imposed on the real or personal
10 property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty
11 of a municipal code violation in the amount of any debt due the City under this section and
12 enforced in the same manner as a judgment lien under a court of competent jurisdiction.

13
14 **SECTION ELEVEN. Fiscal.** All expenses of the Administrative Adjudication Unit shall be
15 payable from the Parking Fund and General Fund in proportion to the relative share of parking
16 citations heard, reviewed or adjudicated by the Administrative Adjudication Unit. All expenses
17 of the Administrative Adjudication Unit, including compensation or fees for the administrative
18 hearing officers, shall be subject to appropriation.

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20 **SECTION TWELVE . Other.** This section shall not be construed to affect the validity of
21 other administrative adjudication systems authorized by local law and created by the City before

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1 April 1, 2007. The passage of this ordinance, being deemed necessary for the immediate
2 preservation of the public peace, health and safety, is declared to be an emergency ordinance as
3 provided for by Article IV, Section 20 of the Charter of the City of St. Louis and shall be
4 effective immediately upon the approval of the Mayor.

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