ORDINANCE NUMBER 71896

BOARD BILL NUMBER 72 COMMITTEE SUBSTITUTE INTRODUCED BY ALDERWOMAN DANIELA VELAZQUEZ

An ordinance submitting to the qualified voters of the City a proposed amendment to the Charter of the City of St. Louis amending **Article IV of the Charter** and enacting a new section of Article IV to remove the cap on municipal fines for certain ordinance violations; providing for an election to be held for voting on the proposed amendment and for the manner of voting; and for the publication, certification, deposit, and recording of this ordinance and containing an emergency clause.

WHEREAS, the City of St. Louis is home to more than 25,000 vacant and deteriorated properties; and,

WHEREAS, vacant and deteriorated property reduces property tax revenue for the City of St. Louis and poses a serious threat to the health, safety, and economic well-being of City residents; and

WHEREAS, the City of St. Louis, to protect the quality of its housing stock, recently strengthened the City Housing Conservation Program, broadening the requirements for the issuance of a Certificate of Inspection for certain for leasehold properties; and

WHEREAS, existing fines and fees have not kept up with inflation, and fine limits provided for in the City of St. Louis Charter are too low to effectively compel absentee, large-scale, and persistently noncompliant owners of vacant and deteriorated properties to adhere to local code; and

WHEREAS, by removing the City of St. Louis Charter cap on fines for vacant and deteriorated property, the City will be permitted to adjust fines as needed to deter noncompliance and enforce

ordinance provisions relating to vacant and deteriorated, non-owner-occupied property to better protect the health, safety, and welfare of St. Louis City residents.

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

SECTION ONE. The following amendment to the Charter of the City of St. Louis is hereby proposed and submitted to the voters of the City and to be voted upon at an election to be held in The City of St. Louis, Missouri on Tuesday, the 5th of November 2024.

A. **Section 24 of Article IV of the Charter** of the City of St. Louis is hereby repealed and enacted in lieu thereof is a new **Section 24 of Article IV** which shall be and read as follows:

No fine shall exceed five hundred dollars except for violations of City ordinances regarding unpermitted demolitions, vacant property, or non-owner-occupied deteriorated property or regarding the preservation and protection of environmental conditions in the City for the prevention of harm to the health, safety and comfort of its residents or harm to private or public property such as the unauthorized dumping of waste or debris on private or public property, prohibited refuse, waste tire disposal.

SECTION TWO. BALLOT LANGUAGE. The proposed amendment to the Charter of the City of St. Louis shall be submitted to the qualified voters of the City at the next primary or general election at which it can be lawfully submitted, and if said proposed amendment shall receive in its favor the number of votes required by law, such amendment shall be adopted and become a part of the Charter of the City of St. Louis from the date of said election or such other date as prescribed in said amendment. Qualified voters of the City of St. Louis that an election will be held in the City of St. Louis, Missouri on Tuesday, the 5th of November 2024

commencing at six o'clock in the morning Central Time and closing at seven o'clock, Central Time in the evening on said date. The polling places in the various wards and precincts of the City of St. Louis where the said proposition shall be submitted to the qualified electors of said City shall be those polling places designated or to be designated by the Board of Election Commissioners of the City of St. Louis, Missouri, separate notice of which will be given by said Board. Subject to such modifications as may be required by the use of an electronic voting system, the ballots to be used at said election shall be in substantially the following form, to-wit:

PROPOSITION __

(CHARTER AMENDMENT)

"In order to make the City of St. Louis more effective in the enforcement of laws pertaining to vacant and deteriorated property, shall the City of St. Louis Charter be amended to add an exception to the $500 maximum fine for ordinances relating to vacant and non-owner-occupied deteriorated property?"

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "YES"; and to vote against the proposition, place a cross (X) mark in the square opposite the word "NO".

YES [ ]

NO [ ]

SECTION THREE. The Board of Election Commissioners shall provide the ballots or voting machines or both and conduct the election and shall ascertain and certify the result thereof

according to the law. If voting machines are used, the aforesaid OFFICIAL BALLOT shall be placed or posted on the said voting machines wherever said machines are used under the direction of the Board of Election Commissioners for the City of St. Louis and according to law.

SECTION FOUR. Upon the approval of this ordinance, it shall be published in the City Journal, the official publication of the City of St. Louis, Missouri. Proof of the publication of this ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed in the office of the City Register and a copy of such publication shall be attached thereto.

SECTION FIVE. Upon the approval of this amendment to the Charter of the City of St. Louis, it shall be certified, deposited and recorded as required by Article VI, Section 33 of the Constitution of the State of Missouri.

SECTION SIX. This being a bill calling for an election for submission to the people of an amendment to the Charter of the City of St. Louis, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Charter – City of St. Louis
Article IV

- **Section 24 - Fines and imprisonment.**

No fine shall exceed five hundred dollars except for violations of City ordinances regarding the preservation and protection of environmental conditions in the City for the prevention of harm to the health, safety and comfort of its residents or harm to private or public property such as the unauthorized dumping of waste or debris on private or public property, prohibited refuse, waste tire disposal, and the like for which the fine shall not exceed one thousand dollars. Any one against whom any fine shall have been assessed, failing to pay the same and costs, shall be committed to the workhouse or other place provided therefor, and to such labor as may be provided by ordinance, until such fine and costs shall be fully paid, at the rate of one day's imprisonment for each three dollars of fine; provided, that no such imprisonment shall exceed one hundred days for any one offense, and provided further, that fines may be paid in installments in such manner as may be provided by ordinance, and provisions may be made by ordinance for the detention, with the view to reform and cure, of habitual drunkards or other habitual delinquents, as may be defined by ordinance, for the indeterminate sentence not exceeding one year.

City Counselor Ops.: 8405

Cases:

It is a denial of equal protection to limit punishment to payment of a fine for those who are able to pay it but to convert the fine to imprisonment for those who are unable to pay it. *Tate v. Short,* 401 U.S. 395, 91 S. Ct. 668, 28 L.Ed. 2d 130 (1971).

St. Louis must provide indigent defendants an opportunity to pay fines in reasonable installments. *Hendrix v. Lark,* 482 S.W. 2d 427 (1972).

A person who is unable to pay fines despite a good faith effort cannot be incarcerated. *Hendrix v. Lark,* 482 S.W. 2d 427 (1972).

An indigent defendant may not be incarcerated for nonpayment of fine. *Spencer v. Basinger,* 562 S.W. 2d 350 (1978). Hearing should be held to determine defendant's ability to pay before he may be confined for failure to pay fines. *Spencer v. Basinger,* 562 S.W. 2d 350 (1978).

McQuillin:

Ch. 17 Penalties of Municipal Ordinances

History:

Submission Ordinance No. 55732

Submission Ordinance Approved December 30, 1970.

Amendment Substance: repeal Section 24 relating to fines and imprisonment, and enact a new Section 24, changing the rate at which fines are worked off from $3 to $15 per day or if no labor performed a rate of $5 per day of imprisonment.

Voter Rejection Date: April 6, 1971.

Submission Ordinance No. 63315

Submission Ordinance Approved December 7, 1994.

Amendment Substance: amending Section 24 relating to fines and punishment to increase the maximum fine to one thousand dollars.

Voter Rejection Date: April 4, 1995.

Submission Ordinance No. 63914

Submission Ordinance Approved November 26, 1996.

Amendment Substance: repeal Section 24 relating to fines and enact a new Section 24, changing the amount which the fine shall not exceed from $500 to $1,000.

Voter Rejection Date: April 1, 1997.

Submission Ordinance No. 64298

Submission Ordinance Approved March 20, 1998.

Amendment Substance: repeal Section 24 relating to fines and enact a new Section 24, changing the amount which the fine shall not exceed from $500 to $1,000.

Voter Rejection Date: August 4, 1998.

Submission Ordinance No. 65579

Amendment Substance: to increase fines to $1,000.00.

Voter Rejection Date: November 5, 2002.

Submission Ordinance No. 66276

Submission Ordinance Approved July 23, 2004.

Amendment Substance: change maximum fine from $500.00 to $1,000.00.

Voter Rejection Date: November 2, 2004.

Submission Ordinance No. 71478

Submission Ordinance Approved March 30, 2022.

Amendment Substance: change maximum fine from $500.00 to $1,000.00.

Voter Approval Date: August 2, 2022.

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