

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,

5

ALDERWOMAN DONNA BARINGER, ALDERMAN KENNETH ORTMANN,

6

ALDERWOMAN LYDA KREWSON, AND ALDERMAN STEPHEN CONWAY

7

An ordinance enacting a new Section of the Revised Code of the City of St. Louis, titled

8

the “City of St. Louis Short-Term Lending Code,” pertaining to the regulation of Short-

9

Term Loan Establishments, as defined herein.

10

WHEREAS, the Board of Aldermen has received information causing it to

11

conclude that the lending and marketing practices of Short-Term Loan Establishments, as

12

defined herein, can result in serious financial hardships to some of its citizens,

13

particularly its elderly and low income citizens, from which they cannot extract

14

themselves; can perpetuate poverty; can perpetuate the dependency upon public financial

15

assistance, housing, health care, and social services; and can perpetuate the physical and

16

emotional deterioration of our neighborhoods; and

17

WHEREAS, the Board of Aldermen has received information causing it to

18

conclude that the proliferation and evolution over the past several years of Short-Term

19

Loan Establishments both in the City as a whole and, more particularly, in certain areas

20

of the City, cause or contribute to the deterioration of certain of the City’s commercial

November 4, 2016

Page 1 of 26

Board Bill No. 69CSAA

Sponsors: Alderwoman Cara Spencer,

Alderwoman Christine Ingrassia, Alderman Samuel Moore, Alderman Chris Carter,

Alderman Shane Cohn, Alderwoman Donna Baringer, Alderman Kenneth Ortmann,

Alderwoman Lyda Krewson, and Alderman Stephen Conway

1 and residential areas; and

2 **WHEREAS**, the Board of Aldermen has received information that the patterns of
3 this proliferation and evolution suggest the industry targets low-income citizens, who are
4 most likely to suffer financial hardship as a result of the lending practices and small loan
5 products offered by Short-Term Loan Establishments; and

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

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

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

19 **WHEREAS**, the Board of Aldermen finds that the further regulation of Short-
20 Term Loan Establishments is necessary for the promotion and protection of the public

November 4, 2016

Page 2 of 26

Board Bill No. 69CSAA

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

1 health, safety, and welfare of its citizens, its interests, and those of its citizens, in
2 maintaining the quality of its commercial and residential neighborhoods and its interests
3 in maintaining its tax base.

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

5 **SECTION 1. Title of ordinance.**

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

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

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

11 **1. Legislative findings.**

12 The Board of Aldermen finds and concludes the following:

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

20 (b) That the proliferation over the past several years of Short-

November 4, 2016

Page 3 of 26

Board Bill No. 69CSAA

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

1 Term Loan Establishments both in the City as a whole and, more
2 particularly, in certain areas of the City, cause or contribute to the
3 deterioration of certain of the City's commercial and residential
4 areas;

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

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

15 **2. Definitions.**

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

19 *Commissioner* means the commissioner of the Building
20 Division of the City of St. Louis or a person designated by the

November 4, 2016

Page 4 of 26

Board Bill No. 69CSAA

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

1 commissioner.

2 *Permittee* means any individual, firm, association, corporation,
3 partnership, association or organization holding a permit issued by
4 the commissioner pursuant to the Short-Term Lending Code to
5 operate a Short-Term Loan Establishment.

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

10 *Short-Term Loan Establishment* means an establishment which
11 (a) engages in the business of providing money to customers on a
12 temporary basis, wherein such loans are secured by post-dated
13 check, paycheck, or car title, or (b) is registered as a lender under
14 state or federal law. This classification does not include a state or
15 federally chartered bank, savings and loan association, credit
16 union, or mortgage broker or originator. This classification does
17 not include nonprofit organizations exempt from taxes under
18 Section 501(c)(3) of the Internal Revenue Code of 1986 as
19 amended, nor does it include organizations certified as Community
20 Development Financial Institutions by the U.S. Treasury. Further,

November 4, 2016

Page 5 of 26

Board Bill No. 69CSAA

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

1 this classification does not include the businesses of licensed
2 pawnbrokers or establishments selling consumer goods, including
3 consumables, where the loans or the cashing of checks or money
4 orders are incidental to the main purpose of the business. This
5 classification does include, but is not limited to, check cashing
6 stores, payday loan stores, and car title loan stores.

7 **3. Applicability of other regulations; conflicting provisions.**

8 (a) In the event of a conflict between the provisions of the Short-
9 Term Lending Code and other ordinances or other parts of the Revised
10 Code of the City of St. Louis, the provisions of the Short-Term Lending
11 Code shall control.

12 (b) The permit and fees required by the Short-Term Lending
13 Code shall be in addition to any other licenses and fees required by the
14 Revised Code of the City of St. Louis.

15 (c) The permit fees required by the Short-Term Lending Code
16 are to defray the costs of investigating and processing the applications for
17 the permits, of any enforcement efforts required by the Short-Term
18 Lending Code, and to the public for the economic damage of a
19 proliferation of short term loans.

November 4, 2016

Page 6 of 26

Board Bill No. 69CSAA

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

4. Permit required.

Within sixty (60) days of the effective date of this ordinance, it shall be unlawful for any individual, firm, association, corporation, partnership, or organization:

(a) to operate or maintain a Short-Term Loan Establishment in the City unless the owner, operator, or lessee thereof has applied for and obtained a Short-Term Loan Establishment permit from the City, or

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

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

1 permit if allowed by such provisions.

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

3 (a) Permits for the operation of a Short-Term Loan Establishment
4 shall be annual permits which expire on December 31 of each year. Each
5 permit shall include the name of the permit holder and address of the
6 premises. Permits in good standing on the date of their expiration shall be
7 eligible for renewal. The application for a permit shall be accompanied by
8 payment in full of the fee stated in this section, by cash, certified or
9 cashiers check, or money order. No application shall be considered
10 complete until the fee is paid. The fee shall not be refunded under any
11 circumstances.

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

13 (1) New Short-Term Loan Establishment permit:
14 \$5,000.00 per year or \$2,500.00 if less than six (6) months
15 remain in the calendar year.

16 (2) Renewal of Short-Term Loan Establishment permit:
17 \$5,000.00 per year.

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

November 4, 2016

Page 8 of 26

Board Bill No. 69CSAA

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

6. Inspections.

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

7. Authority to prescribe additional regulations.

The commissioner shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the intent of the Short-Term Lending Code and the duties of the commissioner under the Short-Term Lending Code which are not inconsistent with the provisions of the Short-Term Lending Code.

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

It shall be unlawful for any person to violate any of the provisions of the Short-Term Lending Code. Upon conviction thereof, such person shall be fined not less than \$100.00 and not more than \$500.00, or be punished by imprisonment at the municipal correctional institution or in such other place as provided by law for a period of time up to, and including, 180 days, or be punished by both such fine and imprisonment.

1 Each day's violation of, or failure, refusal, or neglect to comply with, any
2 provision of the Short-Term Lending Code shall constitute a separate and
3 distinct offense. The penalties provided in this section are in addition to,
4 and are separate from, any administrative actions by the commissioner to
5 suspend, revoke, or disapprove renewal of a permit issued under the Short-
6 Term Lending Code.

7 **8.1. Alternative administrative citation fine for violation of Short-**
8 **Term Lending Code.**

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

12 **9. Judicial review of orders of commissioner; stay of enforcement**
13 **of orders.**

14 Following the entry of an order by the commissioner suspending or
15 revoking a permit, or disapproving a new or renewal application for a
16 permit, such permittee or applicant may seek judicial review in a manner
17 provided by law. The commissioner shall stay enforcement of such order
18 for a period of time not to exceed 30 days pending the filing or final
19 disposition of proceedings for judicial review.

1 **10. Severability.**

2 The various provisions of the Short-Term Lending Code are not
3 interdependent; and, if any provisions of the Short-Term Lending Code
4 shall be held to be invalid or unconstitutional, the remainder of the Short-
5 Term Lending Code shall not be affected thereby but shall remain in full
6 force and effect.

7 **11. Reserved.**

8 **12. Reserved.**

9 **13. Reserved.**

10 **14. Reserved.**

11 **15. Contents of application.**

12 Any person desiring to operate a Short-Term Loan Establishment
13 shall make written application for a Short-Term Loan Establishment
14 permit or the renewal thereof to the commissioner or the commissioner's
15 designee. The application shall be signed by the applicant and notarized.
16 All applications shall be submitted on a form supplied by the
17 commissioner and shall set forth at least the following:

- 18 (a) The name, residence address, electronic mail address,
19 home and cell telephone number, and date and place of birth of the
20 applicant;

November 4, 2016

Page 11 of 26

Board Bill No. 69CSAA

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

1 (b) The business name, street address of the business
2 premises, electronic mail address of the business, and telephone
3 number of the business;

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

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

7 (2) All members, if the applicant is a limited
8 liability company;

9 (3) All corporate officers and commissioners and
10 all shareholders with greater than a ten percent
11 (10%) interest in the corporation, if the
12 applicant is a corporation; and

13 (4) All persons having an ownership interest in
14 any other type of business entity or
15 association.

16 (d) Whether or not the applicant has been convicted of
17 violating any provision of the Short-Term Lending Code; has been
18 convicted of a felony, misdemeanor, infraction or ordinance
19 violation involving moral turpitude, a breach of a fiduciary
20 obligation, or crimes of physical violence or against property; or

November 4, 2016

Page 12 of 26

Board Bill No. 69CSAA

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

1 has ever had a permit issued under the Short-Term Lending Code
2 revoked or suspended and, if so, the reason therefore;

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

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

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

November 4, 2016

Page 13 of 26

Board Bill No. 69CSAA

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

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;

1 (g) Applicant has provided the commissioner with a
2 designated agent for service who can regularly be found in the City
3 during normal business hours; and

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

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

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

17 (a) The application for a Short-Term Loan Establishment permit,
18 or the renewal thereof, authorized under the Short-Term Lending Code
19 shall be approved or disapproved within 30 days from the date of the
20 commissioner’s determination that the application is complete, unless the

1 applicant agrees in writing to an extension of that time period. If a permit
2 application is disapproved, the commissioner shall notify the applicant in
3 person, or by registered or certified mail to the applicant's last known
4 address, and shall state the basis for such disapproval.

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

17 **18. Reserved.**

18 **19. Reserved.**

19 **20. Reserved.**

November 4, 2016

Page 16 of 26

Board Bill No. 69CSAA

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

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

2 Every individual, firm, corporation, partnership, organization, or
3 association holding a permit under the Short-Term Lending Code as a
4 Short-Term Loan Establishment shall post the permit in a conspicuous
5 place and manner on the premises.

6 **22. Compliance with the Short-Term Lending Code and other**
7 **regulations.**

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

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

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

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

1 (2) Post a notice printed in not less than 24-point bold type
2 within 3 feet of each location within the premises at which a
3 customer, borrower, or other member of the general public is
4 invited or directed to stand or sit to either apply for a loan, to
5 answer or ask questions, to review or sign transaction documents,
6 to receive loan proceeds, to make payments or to inquire about, or
7 apply for, the renewal or the rolling over of a loan, which sets out
8 the following information: (i) the word “WARNING” in bold
9 capital letters, (ii) that this establishment is a short-term loan
10 establishment and is not a federally chartered bank, savings and
11 loan association, or credit union, (iii) the interest rates and fees
12 charged, (iv) the annual percentage rate equivalent of the aggregate
13 of those interest rates and fees charged per \$100.00 borrowed, (v) a
14 computation of the amounts that would be paid on an original loan
15 renewed or rolled-over after the expiration of its original term
16 without any payment of either principal or interest each time, up to
17 the six times, (vi) a warning that default may result in loss of
18 property used as security for the loan and garnishment of wages
19 and checking and savings accounts, and (vii) notice of any state or
20 federal rights to rescind the loan agreement;

November 4, 2016

Page 18 of 26

Board Bill No. 69CSAA

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

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

5 (4) Prevent disorderly conduct, disturbances of the public
6 peace, and gambling from taking place on the premises at all times
7 during the hours of operation;

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

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

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

19 (8) Regularly inspect and maintain the premises and all
20 adjacent sidewalks and alleys within 50 feet of the premises for

November 4, 2016

Page 19 of 26

Board Bill No. 69CSAA

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

1 purposes of removing any trash or litter found thereon;

2 (9) Ensure that the licensee or a manager of the business is
3 present at the premises at all times during its hours of operation;
4 and

5 (10) During the hours of operation, promptly report to the
6 police department acts of indecency, prostitution or solicitation for
7 prostitution, disorderly conduct, disturbances of the public peace,
8 gambling, unlawful sale, distribution, delivery or use of controlled
9 substances, illegal drugs or narcotics, and the sale, distribution,
10 delivery, or use of any alcoholic beverages of any kind on the
11 alleys, sidewalks, and streets adjacent to the premises.

12 (b) The permit and the standards of operation, affirmative duties
13 and other requirements of the Short-Term Lending Code shall apply to an
14 entire business operation and its premises, regardless of the fact that some
15 parts of the business operation, if conducted separately at a different
16 location, would not be subject to a permit under the Short-Term Lending
17 Code.

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

November 4, 2016

Page 20 of 26

Board Bill No. 69CSAA

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

24. Referral to Alternative Financial Assistance

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

25. Reserved.

26. Suspension, revocation, or denial.

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

(b) Hearing procedures. The following procedures shall apply to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

all hearings conducted under this section:

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

(2) If a hearing is held under the provisions of the Short-Term Lending Code, then the commissioner shall issue findings of fact and conclusions of law, and an order wherein he may approve or disapprove an application, suspend or revoke a permit previously issued, or renew or refuse to renew a permit previously issued. The commissioner's order shall be served upon the applicant or permittee, as the case may be, in person or by registered or certified mail to the applicant's or permittee's last known address. If the commissioner is not able to serve the order upon the applicant, permittee, or applicant for renewal permit in the manner stated in this subsection, and any notice sent by mail is

1 returned by the postal service, the commissioner shall cause the
2 order to be posted at the principal entrance of the business, and that
3 posting shall be a valid means of service. The commissioner's
4 order shall also be posted for 30 days in the City's Building
5 Division.

6 (c) Unless otherwise provided in the Short-Term Lending Code,
7 any applicant or any other person aggrieved by the decision of the
8 commissioner under the provisions of the Short-Term Lending Code may
9 seek judicial review in a manner provided by law. The cost of a transcript
10 of a hearing before the commissioner shall be paid by the party requesting
11 the transcript.

12 **27. Reserved.**

13 **28. Reserved.**

14 **29. Reserved.**

15 **30. Reserved.**

16 **31. Renewal of permit.**

17 (a) All Short-Term Loan Establishment permits shall expire on
18 December 31 of each calendar year. Renewal applications for such permits
19 shall be submitted between October 1 and November 30 of each calendar
20 year, accompanied by payment in full of the fee stated in the Short-Term

November 4, 2016

Page 23 of 26

Board Bill No. 69CSAA

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

1 Lending Code, by cash, certified or cashiers check, or money order, and
2 no application shall be considered complete until the fee is paid. The fee
3 shall not be refunded under any circumstances. A Short-Term Loan
4 Establishment permit issued under the Short-Term Lending Code may be
5 renewed if an application in the form provided by the commissioner has
6 been filed with the application fee with the commissioner and if the
7 applicant is in compliance with the requirements in the Short-Term
8 Lending Code for an original permit including but not limited to Section
9 16 of the Short-Term Lending Code.

10 (b) Upon timely application therefore, and subject to meeting the
11 requirements in the Short-Term Lending Code for a new permit, a Short-
12 Term Loan Establishment permit may be renewed by issuance of a new
13 permit in the manner provided in the Short-Term Lending Code unless the
14 commissioner disapproves the renewal application in the manner provided
15 by Section 17 of the Short-Term Lending Code.

16 (c) Upon the filing of a timely application for renewal of a permit
17 issued under the provisions of the Short-Term Lending Code, the
18 commissioner shall issue a temporary permit to the applicant, which
19 temporary permit shall remain in effect until the commissioner has
20 approved or disapproved the application. If a hearing is held as required

November 4, 2016

Page 24 of 26

Board Bill No. 69CSAA

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

1 by Section 17 of the Short-Term Lending Code, the temporary permit shall
2 remain in effect until the commissioner has issued an order following the
3 hearing. However, if any hearing required by Section 17 of the Short-
4 Term Lending Code is delayed at the request of the applicant, the
5 temporary permit issued under the provisions of this subsection shall
6 expire as of the date the hearing was scheduled by the commissioner,
7 unless the applicant shows good cause for the delay.

8 (d) Any applicant issued a temporary permit under the provisions
9 of this section shall comply, or continue to comply, with the provisions of
10 the Short-Term Lending Code. Additionally, an applicant issued a
11 temporary permit under the provisions of this section shall be subject to
12 the penalty provisions provided in the Short-Term Lending Code.

13 (e) If the application for renewal of a permit is not made during
14 the time provided in subsection (a) of this section, the permit shall expire
15 and the permittee shall cease those activities authorized under the Short-
16 Term Lending Code and the permittee shall file a new application and
17 meet all requirements of the Short-Term Lending Code before engaging in
18 the business or occupations regulated under the Short-Term Lending
19 Code. In addition, an application for renewal filed after the expiration date
20 shall be treated as a new application.

November 4, 2016

Page 25 of 26

Board Bill No. 69CSAA

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

1 **SECTION 3. Effective Date.**

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

November 4, 2016

Page 26 of 26

Board Bill No. 69CSAA

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