

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROSETTA WATSON,)
)
Plaintiff,)
) No. 4:17-cv-1268
v.)
) **JURY TRIAL DEMANDED**
CITY OF MAPLEWOOD, MISSOURI,)
MARTIN CORCORAN, in his individual)
capacity, STEPHEN KRUSE, in his)
individual capacity, and ANTHONY)
TRAXLER, in his individual capacity,)
)
Defendants.)

COMPLAINT

INTRODUCTION

1. Plaintiff Rosetta Watson, a former resident of Maplewood, Missouri, was a victim of repeated domestic violence and needed to contact and rely on police from the City of Maplewood (“Maplewood”) for protection and assistance at her rental home. As a result, Maplewood ordered her to leave her home and banned her from living anywhere in Maplewood for six months.

2. Defendants – Maplewood, Maplewood City Manager Martin Corcoran, Maplewood Chief of Police Stephen Kruse, and Maplewood Director of Public Works and Assistant City Manager Anthony Traxler – enacted and enforced laws that authorize the City to bar residents from living in Maplewood when they call police for assistance with domestic violence, or when arrests occur at their homes, even if the tenants were the victims of crime.

3. The laws in question include Chapter 12, Article II of the Maplewood Code of Ordinances, § 12-25, which requires every resident to obtain and maintain an occupancy permit

from the City, and Chapter 34, Article VIII of the Maplewood Code of Ordinances, §§ 34-240 et seq., which defines nuisances and authorizes officials to revoke a resident's occupancy permit if the nuisance is not abated. Hereinafter, these two sections will be referred to collectively as the Maplewood "Nuisance Policy." *See Exhibit A – Maplewood Code of Ordinances* (hereinafter, "Maplewood Code").

4. Under Maplewood's Nuisance Policy, nuisances include, for example: more than two incidents of domestic violence resulting in calls to the police within a 180-day period; more than two instances of acts prohibited by state or city law that have resulted in arrests within a 180-day period; and commission of acts prohibited by federal or state law which have resulted in felony-level arrests two or more times within 90 days. Maplewood Code § 34-240(17).

5. Maplewood does not exempt situations where a tenant is the victim of the domestic violence or other unlawful conduct.

6. The Nuisance Policy empowers the City to pursue abatement by any measures necessary to cause its cessation and the prevention of its recurrence. Maplewood Code § 34-242(2)(e). Once the City finds that occupants have committed a nuisance, it can revoke their occupancy permits and deny future occupancy permits for up to six months.

7. Housing security and access to police assistance are often essential to domestic violence victims' ability to escape life-threatening violence and live free from abuse. Yet, domestic violence victims continue to face barriers to reporting the abuse to law enforcement. In addition, domestic violence is a primary cause of homelessness for women and their children.

8. Reforms adopted by federal, state, and local governments over the last thirty years have focused on supporting victims' ability to reach out to law enforcement for assistance and to obtain and maintain secure housing.

9. The Nuisance Policy tramples on the rights of victims of domestic violence, the majority of whom are women, empowers abusers to act without fear of police intervention, and increases victims' vulnerability to both homelessness and future violence by chilling their right to seek police assistance and banishing them from their homes and the entire city when they seek aid.

10. As set out below, the actions taken by Defendants against Ms. Watson illustrate the danger of the Maplewood Nuisance Policy. In addition to the repeated domestic violence and physical abuse that she suffered, Ms. Watson lost her home and was barred from living anywhere in Maplewood for six months through the operation of the Nuisance Policy, based on four incidents for which she sought assistance with domestic violence.

11. Defendants violated Ms. Watson's fundamental constitutional rights. The Maplewood Nuisance Policy and its enforcement infringe on Ms. Watson's right under the First Amendment to freedom of speech and to petition her government and disregard the Fourteenth Amendment's requirements of equal protection, due process, and the right to travel. It also conflicts with and is preempted by the federal Violence Against Women Act, 42 U.S.C. § 14043e-11. Defendants similarly violated the Missouri State Constitution's equivalent protections of freedom of speech and the right to petition, equal protection, due process, and the right to travel.

12. Ms. Watson brings this action seeking damages for injuries suffered by Defendants' unconstitutional enforcement of the Nuisance Policy and for a declaration that the Nuisance Policy is unconstitutional.

13. This action is brought pursuant to 42 U.S.C. § 1983.

14. Ms. Watson seeks declaratory relief, as well as compensatory damages, punitive damages, and attorneys' fees as provided under 42 U.S.C. § 1988.

PARTIES

15. Ms. Watson is an African-American woman living with disabilities.

16. From June 2010 to in or about early June 2012, Ms. Watson lived at 2507 Bellevue Avenue, Apt. 9, Maplewood, Missouri (hereinafter "the Property").

17. Defendant City of Maplewood, Missouri is a political subdivision of the State of Missouri located in the county of St. Louis. The City is governed by a Mayor and a six-member City Council. It acts through its officials, agents, and employees and is responsible for the actions described in this Complaint.

18. At all times relevant hereto, Defendant Martin Corcoran was the City Manager of Maplewood and, in that position, had final decision-making responsibility for, among other things: enforcing the Nuisance Policy, including designating the Hearing Officer who would oversee the hearings and determining how nuisances would be abated. He is sued in his individual capacity.

19. At all times relevant hereto, Defendant Stephen Kruse was the Chief of the Maplewood Police Department and, in that position, had final decision-making responsibility for, among other things: overseeing the operations of police officers in their official duties; enforcing the Nuisance Policy, including determining the date by which those found to have committed a nuisance must vacate their homes and removing them if they have not left. He is sued in his individual capacity.

20. Defendant Anthony Traxler is Assistant City Manager and Director of Public Works for Maplewood and, in that position, has responsibility for, among other things, enforcing the Nuisance Policy, including directing and investigating cases for enforcement, serving as

Hearing Officer when so designated by the City Manager, and issuing orders determining whether a nuisance was committed and abatement measures, including revocation of occupancy permits and denials of future permits for periods of six months. He is sued in his individual capacity.

21. At all times relevant hereto, Defendants Corcoran, Kruse, and Traxler maintained an office in St. Louis County.

22. Each of the individual defendants is a “person” as defined in 42 U.S.C. § 1983, and at all relevant times acted under the color of state law.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

24. Declaratory relief is authorized by 28 U.S.C. § 2201 and Federal Rule of Civil Procedure 57.

25. This Court has personal jurisdiction over Defendants because they are located in the Eastern District of Missouri, and the events that give rise to this action occurred within the Eastern District of Missouri.

26. Venue is proper in the Eastern District of Missouri pursuant to 28 U.S.C. § 1391(b) in that Defendants are subject to personal jurisdiction within the Eastern District of Missouri and/or the events that give rise to this action occurred within the Eastern District of Missouri.

27. Divisional venue is proper in the Eastern Division because the events leading to the claim for relief arose in St. Louis County. E.D. Mo. L.R. 2.07(A)(1), (B)(2).

FACTS

A. Maplewood’s Nuisance Policy

28. Defendants adopted, maintain and enforce the Nuisance Policy, which includes Chapter 12, Article II of the Maplewood Code of Ordinances, § 12-25 (the “Occupancy Permit Section”) and Chapter 34, Article VIII of the Maplewood Code of Ordinances, §§ 34-240 et seq. (“the Nuisance Section”). As described in further detail below, the combined effect of these code provisions is that residents can be removed from their homes and barred from living anywhere in Maplewood for six months if they are deemed a “nuisance.”

29. Maplewood Code § 12-25 requires every resident of Maplewood to have an occupancy permit or certificate. The Occupancy Permit Section mandates that every permit application provide basic identifying information of each occupant, and that such information may include photographic identification of all adult occupants and a copy of the signed lease. § 12-25(c).

30. Prospective residents must apply for an occupancy permit regardless of whether the property itself has already passed a separate housing code inspection by the City. Section 12-23(c) of the Maplewood Code provides for such inspections.

31. The Occupancy Permit Section further provides that the occupancy permit can be revoked for noncompliance with the Maplewood Code. § 12-25(g).

32. In 2006, the City enacted the Nuisance Section, which authorizes the City to revoke an occupancy permit when a premises or its occupants or owner are designated to be a “nuisance” and to deny a new occupancy permit for up to six months. Maplewood Code § 34-242(e).

33. Maplewood Code § 34-240 sets out an expansive list of “nuisances.” Many of the nuisances are defined overly vaguely, giving broad authority and discretion to the City to decide what conduct to punish. *See, e.g.,* § 34-240(1) (“Any act done or committed, permitted or

allowed to be done or committed . . . which is injurious or dangerous to public health"); § 34-240(2) ("Any pursuit followed or act done by any person to the hurt, injury, annoyance inconvenience or damage to the public").

34. The City also defines nuisances to encompass situations where a resident calls police, is the victim of a crime, or is in need of emergency assistance. For example, nuisances include: 1) "More than two instances within a 180-day period of incidents of peace disturbance or domestic violence resulting in calls to the police," § 34-240(17)(f); 2) "More than two instances within a 180-day period of commission of acts which are prohibited by state statute or city ordinance . . . which have resulted in arrests . . . ,” § 34-240(17)(c); and 3) "Commission of acts which are prohibited by federal law or state statute . . . which have resulted in arrests that are classified as felonies occurring two or more times within a period of 90 days . . . ,” § 34-240(17)(a).

35. There is no exemption in the Nuisance Section for situations where a resident is making calls to police seeking protection from domestic violence, or is the victim of acts prohibited by federal, state, or local law.

36. The Nuisance Section provides the City with different enforcement mechanisms. In cases where an immediate threat to public health, welfare, or safety is apparent, the City Manager may abate the nuisance "without notice, by any suitable means." Maplewood Code § 34-242(1). In other cases, the City Manager or designee holds a hearing, considering the following factors: "1) The magnitude of the harm caused by the alleged detrimental activity or conditions; 2) The length of time that the alleged detrimental activity or conditions have existed; 3) The effect of the activity or conditions at the property on the value of adjacent properties and those in the surrounding area; 4) The number of times that public safety officers have been

dispatched to the property; and 5) The extent of efforts by the owner or person having charge of the property to remedy the alleged detrimental activity or conditions.” Maplewood Code § 34-242(2)(c). Police response to a property is an explicit factor in determining that a nuisance exists, even if residents needed and requested police assistance.

37. The Nuisance Section empowers the City to pursue abatement, “by any measures necessary to cause its cessation and the prevention of its recurrence.” Maplewood Code § 34-242(2)(e). If the City Manager or designee finds that there is a nuisance, he or she may order the owner or occupant “to abate the nuisance within a prescribed period of time, or abate it by other means.” Maplewood Code § 34-242(2)(d).

38. The only specific means of abatement laid out in the Nuisance Section are revocation of occupancy permits, denial of future occupancy permits for up to six months, and closure of the premises. Maplewood Code § 34-242(2)(e). If these measures are ordered, the City Manager directs the Chief of Police to set a deadline for vacating the property. Maplewood Code § 32-242(2)(h). The Nuisance Section authorizes the Police Chief to remove persons who have not vacated by the deadline, and to secure the premises to prevent unlawful entry. *Id.*

39. The City is also authorized to file suit against the owner or occupant who violates the Nuisance Section, and to levy taxes for the costs of abatement incurred by the City. Maplewood Code §§ 34-242(4), (2)(f).

B. Ms. Watson's Residence in Maplewood and Occupancy Permit

40. On June 1, 2010, the City issued an occupancy permit (“Occupancy Permit”) to Ms. Watson for the Property. Ms. Watson began renting the Property at that time, until she was forced to leave approximately two years later.

41. Her rent at the Property was subsidized by a Section 8 voucher issued by the Housing Authority of St. Louis County.

C. Domestic Violence Perpetrated Against Ms. Watson

42. Ms. Watson was the victim of repeated domestic violence perpetrated by her former boyfriend, Robert Hennings, including violent attacks.

43. Hennings did not reside at the Property.

44. From September 2011 to February 2012, officers from the Maplewood Police Department responded to the Property four times related to the domestic violence. The City later enforced its Nuisance Policy against Ms. Watson based on these four police responses.

September 24, 2011 Incident

45. On September 24, 2011, Hennings visited Ms. Watson at the Property, where he began drinking and verbally abusing her. After she asked him to leave, she closed the front door of the Property and latched the chain. Later, Hennings returned to the Property and began knocking on the front door. Ms. Watson, who was in bed asleep at the time, told Hennings that he was not allowed inside. Hennings kicked open the front door and entered Ms. Watson’s bedroom. Hennings told Ms. Watson that he was “no longer on papers” and was going to “kick [her] ass.” He struck her in her face with a closed fist.

46. Fearing more physical abuse, Ms. Watson fled the Property and called the police. Police arrived and arrested Hennings for assault in the third degree. They also photographed lacerations on Ms. Watson's lip and the damage to her front door.

November 8, 2011 Incident

47. On November 8, 2011, Ms. Watson again sought police assistance when Hennings shoved her in her home. When police arrived, Hennings admitted he had shoved her. Police arrested Hennings for domestic assault in the third degree.

January 7, 2012 Incident

48. On January 7, 2012, Ms. Watson contacted the police because she became fearful during an argument with Hennings and wanted him to leave her home. When police arrived, Hennings agreed to return to his residence.

February 22, 2012 Incident

49. On February 22, 2012, Ms. Watson returned after a trip and found Hennings at the Property. She wanted him to leave, but he refused. Hennings struck Ms. Watson's breast and began to choke her, and Ms. Watson physically defended herself. She called the police, and Hennings fled the Property.

50. The police apprehended Hennings away from the Property and arrested him for domestic assault in the third degree. Ms. Watson was issued a summons for domestic assault in the third degree based on injury to Hennings when she defended herself from his attack.

Incidents of Domestic Violence Following the Enforcement of the Nuisance Policy

51. As will be described in further detail below, the City enforced the Nuisance Policy against Ms. Watson based on the incidents of September 24, 2011, November 8, 2011,

January 7, 2012, and February 22, 2012. Hennings, however, continued to perpetrate domestic violence against Ms. Watson.

52. Based on information and belief, Hennings was arrested on May 28, 2012 for assaulting Ms. Watson at the Property.

53. Subsequently, Ms. Watson was forced to leave her home because of the City's actions and moved to the city of St. Louis. On July 11, 2012, Hennings kicked in the door to Ms. Watson's new residence and stabbed her in the legs.

54. Because of her experience in Maplewood, Ms. Watson feared calling the police. She chose to go by herself to the hospital, where she was treated. On information and belief, the hospital contacted the St. Louis Metropolitan Police Department, which arrested Hennings.

55. Hennings was charged, plead guilty to domestic assault in the third degree in August 2012, and sentenced to incarceration. *See Exhibit B.*

56. Ms. Watson obtained a full order of protection against Hennings in July 2012. *See Exhibit C.*

57. On information and belief, Hennings later violated the order of protection by writing and calling Ms. Watson. Ms. Watson contacted law enforcement in St. Louis and Hennings faced additional sanctions.

58. On information and belief, Hennings died in 2013.

D. Defendant's Enforcement of the Nuisance Policy Against Ms. Watson

59. In a notice dated March 7, 2012, Defendant Traxler notified Ms. Watson that a hearing pursuant to the City's Nuisance Policy was scheduled for March 22, 2012 concerning police calls placed to the Police Department. *See Exhibit D.*

60. Defendant Traxler also notified Bellevue Apartments, LLC, which operated Ms. Watson's housing, that a hearing was scheduled, because “[t]here have been several disturbance calls to the Maplewood Police Department involving Ms. Watson.” *See Exhibit E.*

61. On March 7, Defendant Traxler wrote a memo summarizing the prosecution of Ms. Watson under the Nuisance Policy. He stated that Ms. Watson's contacts with police regarding Hennings “appear to fall within the provisions of Chapter 34 Section 17F, ‘more than two instances within a one hundred eighty (180) day period of peace disturbance or domestic violence resulting in calls to the police.’” *See Exhibit F.* The memo further describes the September 24, 2011, November 8, 2011, January 7, 2012, and February 22, 2012 incidents as the four incidents that would be presented as evidence against Ms. Watson at the hearing.

62. The City had knowledge that Ms. Watson was a victim of repeated domestic violence by Hennings, yet chose to proceed based on these four incidents.

63. Defendant Traxler was designated by Defendant Corcoran, City Manager, to serve as Hearing Officer for the hearing against Ms. Watson, despite Mr. Traxler's inability to act impartially based on his direction and involvement in the prosecution of the City's case against Ms. Watson. *See Exhibit G.*

64. Ms. Watson appeared at the hearing without counsel on March 22. Defendant Traxler presided over the hearing as the Hearing Officer, and heard from Maplewood police officers about their responses to Ms. Watson's home.

65. Following the hearing, Defendant Traxler issued the City's order (“Revocation Order”), dated April 10, 2012. *See Exhibit H.* Defendant Traxler made findings of fact.

66. First, he found that “there have been repeated instances at the Property of peace disturbance and/or domestic violence, resulting in numerous calls to the police,” and listed four

instances involving Ms. Watson and Hennings at the Property. The four incidents—on September 24, 2011, November 8, 2011, January 7, 2012, and February 22, 2012—are each identified as domestic disturbance calls.

67. Second, he stated that, “As a result of these instances of peace disturbance and domestic violence, Maplewood police officers have been put at risk.”

68. The Revocation Order did not contain any details on how the officers were put at risk, other than because they were responding to calls relating to domestic violence.

69. Third, he found that, “[g]iven the nature and number of incidents, a high magnitude of harm has been caused.”

70. The Revocation Order did not state what harm it was referring to and whether the harm included the domestic violence experienced by Ms. Watson. However, the City had information, including from the police records, of the harms Ms. Watson suffered.

71. Based on the conclusion that the Nuisance Policy was violated, Defendant Traxler ordered the revocation of Ms. Watson’s occupancy permit for a period of six months, to commence on a date set by the Maplewood Chief of Police. He further provided that Ms. Watson would not be entitled to occupy her home and that she would be denied an occupancy permit anywhere within the City for a period of six months.

72. He issued a similar order against Hennings.

73. Defendant Chief of Police Stephen Kruse wrote a letter to Ms. Watson dated April 10, ordering her to leave the Property by 5 p.m. on May 30, 2012. *See Exhibit I.* Ms. Watson was prohibited from applying for another occupancy permit anywhere in the City until after November 30, 2012.

74. The City also notified Bellevue Apartments, LLC of the revocation of Ms. Watson's occupancy permit. *See Exhibit J.*

75. Due to the Revocation Order, Ms. Watson left the Property and moved to the city of St. Louis in early June 2012, after obtaining permission to extend her stay a few more days.

E. Discriminatory Targeting of Domestic Violence Victims

76. The Nuisance Policy explicitly discriminates against domestic violence victims by specifically penalizing calls for police service relating to domestic violence.

77. On information and belief, Defendants have enforced the Nuisance Policy against other women domestic violence victims like Ms. Watson.

78. Blaming and stereotyping of domestic violence survivors, the majority of whom are women, as responsible for the violence perpetrated against them is a form of discrimination that many women domestic violence survivors experience when seeking police and emergency assistance.

79. The enactment of the Nuisance Policy and the enforcement of it by the City demonstrate that the Defendants sought to penalize domestic violence victims for seeking police assistance for harms they experienced, to prohibit them from seeking it in the future, and indeed to remove them from the City altogether.

F. The Harms to Ms. Watson

80. The actions of Defendants, in adopting and enforcing the Nuisance Policy, resulted in significant harms to Ms. Watson, including violation of constitutional rights, loss of her home and long-term housing stability, as well as severe and ongoing emotional suffering and mental anguish.

81. Ms. Watson was forced to move quickly from Maplewood, suffering economic losses. She was compelled to leave her home and the community in which she enjoyed living.

82. Following the Revocation Order, Ms. Watson lost her Section 8 voucher from the Housing Authority of St. Louis County because her lease had not been renewed. It was impossible for Ms. Watson to renew her lease given the terms of the Revocation Order.

83. Without the voucher, she was unable to secure a stable home for herself. She has moved approximately eight times after the Revocation Order and was homeless for periods of time.

84. Ms. Watson wanted to rent another home in Maplewood, but could not, due to the Revocation Order. To this day, she would like to return to live in Maplewood but fears that the Nuisance Policy could once again be applied against her should she ever need to seek police assistance or be the victim of crime.

85. In July 2016, the Housing Authority reinstated Ms. Watson's voucher after being notified that its termination violated the Violence Against Women Act and other legal protections. Ms. Watson now lives in St. Louis County with the benefit of the voucher.

86. As a result of each and every violation of law set out in the individual Counts, Ms. Watson has suffered loss of her rights, loss of her home, and great emotional distress.

87. Absent declaratory relief, residents of Maplewood face the very real threat of losing their homes and banishment from the City if they contact the police for help. The policies and practices of Defendants have caused and continue to cause a serious threat to the safety and well-being of crime victims in Maplewood, including domestic violence survivors like Ms. Watson.

COUNT I: Rights of Speech and Petition

(U.S. Const. amend. 1)

88. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

89. The First Amendment to the United States Constitution guarantees the right to freedom of speech and the right to petition the government for redress of grievances.

90. Under the First Amendment's "right to petition" clause, communications to law enforcement—including (1) reporting physical assault, (2) reporting criminal activity, and (3) filing a complaint with law enforcement—are constitutionally protected activities.

91. The First Amendment also prohibits restrictions on the expression of information or speech, including prohibitions on reporting crime or requesting police service.

92. The language of the Nuisance Section violates the First Amendment on its face by imposing penalties, including banishment, on the basis of calls to the police or crime occurring at a property, regardless of whether the tenant was the victim or perpetrator, thereby outright burdening tenants' ability to report crime and seek police assistance.

93. Defendants' enforcement of the Nuisance Policy against Ms. Watson based on calls made to the police reporting domestic violence perpetrated against her directly violated her right to petition the government to redress grievances and to freedom of speech.

94. The Nuisance Policy, particularly as applied to victims of crime, such as domestic violence, or those in need of emergency assistance, does not advance any compelling government interest and is not narrowly tailored to justify the infringement of the fundamental right to call the police.

95. Accordingly, the Nuisance Policy violated the First Amendment of the U.S. Constitution.

96. Therefore, Ms. Watson requests the relief outlined below.

COUNT II: Equal Protection

(U.S. Const. amend. XIV)

97. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

98. The Fourteenth Amendment to the United States Constitution and its Missouri equivalent prohibit the denial of equal protection of the law.

99. In enacting the Nuisance Policy, Maplewood intentionally discriminated against women by singling out calls relating to domestic violence. The vast majority of victims of domestic violence are women. The Nuisance Section relies on gender stereotypes about abused women, which include blaming victims for the criminal conduct perpetrated against them.

100. In enforcing the Nuisance Policy against victims of domestic violence like Ms. Watson, Defendants punish and/or ban women victims who seek police assistance. On information and belief, Defendants have enforced the Nuisance Policy against other women victims of domestic violence.

101. Ms. Watson was injured by the discriminatory enforcement of the Nuisance Policy because she was removed from her home and banned by the City after calling for help with domestic violence.

102. Enforcement of the Nuisance Section in situations where residents seek emergency or police assistance relating to domestic violence does not advance an important or

legitimate government interest, and is not substantially or rationally related to advance such an interest.

103. Accordingly, Defendants have violated the right to equal protection under the Fourteenth Amendment of the U.S. Constitution.

104. Therefore, Ms. Watson requests the relief outlined below.

COUNT III: Right to Travel

(U.S. Const. amend. XIV, art. IV, § 2)

105. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

106. The United States Constitution protects a fundamental right to travel, which includes the right to establish residence.

107. The Nuisance Policy does not promote a compelling state interest when it bars people who have committed “nuisances,” including contacting police for assistance or being the victim of crime at one’s home, from living in the City.

108. Ms. Watson was forced to give up her residence in the City, and she could not establish residence there by virtue of the Revocation Order for six months.

109. Accordingly, Defendants violated the federal constitutional right to travel.

110. Therefore, Ms. Watson requests the relief outlined below.

COUNT IV: Due Process

(U.S. Const. amend. XIV)

111. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

112. The Fourteenth Amendment to the United States Constitution provides that no person shall be deprived of life, liberty or property without due process of law.

113. Defendants' banishment of Ms. Watson from her home and from the City for six months deprived her of due process, as banishment is not justified by the City's interest and is excessive punishment.

114. Defendants' enforcement of the Nuisance Policy also deprived Ms. Watson of her property interest in her leasehold by ordering her to vacate her rental home without adequate procedural protections, such as hearing before an impartial decision-maker.

115. Accordingly, the Nuisance Policy violated the right to due process under the U.S. Constitution.

116. Therefore, Ms. Watson requests the relief outlined below.

COUNT V: Preemption by Violence Against Women Act

(Violence Against Women Act, 42 U.S.C. § 14043e-11)

117. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

118. In 2005, Congress enacted housing protections in the Violence Against Women Act for victims of domestic violence who live in federally subsidized housing, including with Section 8 benefits. The law provides that incidents of actual or threatened domestic violence, dating violence, or stalking shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. Furthermore, the Violence Against Women Act provides that criminal activity directly relating to domestic violence engaged in by a member of a tenant's household or any guest or other person shall not be cause for termination of assistance,

tenancy, or occupancy rights if the tenant is the victim or threatened victim of that domestic violence.

119. The Nuisance Policy penalized Ms. Watson based on incidents of domestic violence, resulting in her removal from her home and the termination of her tenancy and assistance.

120. As a Section 8 voucher holder, Ms. Watson was entitled to housing rights pursuant to the Violence Against Women Act but instead was punished by Defendants using the Nuisance Policy, resulting in the loss of her home and voucher.

121. Accordingly, the Nuisance Policy conflicts with and is preempted by the federal Violence Against Women Act.

122. Therefore, Ms. Watson requests the relief outlined below.

COUNT VI: Rights of Speech and Petition

(Missouri Const. art. 1, §§ 8, 9)

123. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

124. The Missouri Constitution art. 1, §§ 8, 9 guarantees the right to freedom of speech and the right to petition the government for redress of grievances.

125. Under the Missouri Constitution, communications to law enforcement—including (1) reporting physical assault, (2) reporting criminal activity, and (3) filing a complaint with law enforcement—are constitutionally protected activities.

126. The Missouri Constitution also prohibits restrictions on the expression of information or speech, including prohibitions on reporting crime or requesting police service.

127. The language of the Nuisance Section violates the Missouri Constitution on its

face by imposing penalties, including banishment, on the basis of calls to the police or crime occurring at a property, regardless of whether the tenant was the victim or perpetrator, thereby outright burdening tenants' ability to report crime and seek police assistance.

128. Defendants' enforcement of the Nuisance Policy against Ms. Watson based on calls made to the police reporting domestic violence perpetrated against her directly violated her right to petition the government to redress grievances and to freedom of speech.

129. The Nuisance Policy, particularly as applied to victims of crime, such as domestic violence, or those in need of emergency assistance, does not advance any compelling government interest and is not narrowly tailored to justify the infringement of the fundamental right to call the police.

130. Accordingly, the Nuisance Policy violated the Missouri Const. art. 1, §§ 8, 9.

131. Therefore, Ms. Watson requests the relief outlined below.

COUNT VII: Equal Protection

(Missouri Const. art. 1, § 2)

132. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

133. The Missouri Constitution art. 1, § 2 provides that the government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; and that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

134. In enacting the Nuisance Policy, Maplewood intentionally discriminated against women by singling out calls relating to domestic violence. The vast majority of victims of domestic violence are women. The Nuisance Section relies on gender stereotypes about abused women, which include blaming women victims for the criminal conduct perpetrated against them.

135. In enforcing the Nuisance Policy against victims of domestic violence like Ms. Watson, Defendants punish and/or ban women victims who seek police assistance.

136. On information and belief, Defendants have enforced the Nuisance Policy against other women victims of domestic violence.

137. Ms. Watson was injured by the discriminatory enforcement of the Nuisance Policy because she was removed from her home and banned by the City after calling for help with domestic violence.

138. Enforcement of the Nuisance Section in situations where residents seek emergency or police assistance relating to domestic violence or other crimes does not advance an important or legitimate government interest, and is not substantially or rationally related to advance such an interest.

139. Accordingly, Defendants have violated the right to equal protection under the Missouri Constitution art. 1, § 2.

140. Therefore, Ms. Watson requests the relief outlined below.

COUNT VIII: Right to Travel

(Missouri Const. art. 1, §§ 2, 10)

141. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

142. The Missouri Constitution protects a fundamental right to travel, which includes the right to establish residence.

143. The Nuisance Policy does not promote a compelling state interest when it bars people who have committed “nuisances,” including contacting police for assistance or being the victim of crime at one’s home, from living in the City.

144. Ms. Watson was forced to give up her residence in the City, and she could not establish residence there by virtue of the Revocation Order for six months.

145. Accordingly, Defendants violated the state constitutional right to travel.

146. Therefore, Ms. Watson requests the relief outlined below.

COUNT IX: Due Process

(Missouri Const. art. 1, §§ 2, 10)

147. Ms. Watson incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

148. The Missouri Constitution provides that no person shall be deprived of life, liberty or property without due process of law.

149. Defendants’ banishment of Ms. Watson from her home and from the City for six months deprived her of due process, as banishment is not justified by the City’s interest and is excessive punishment.

150. Defendants’ enforcement of the Nuisance Policy also deprived Ms. Watson of her property interest in her leasehold by ordering her to vacate her rental home without adequate procedural protections, such as hearing before an impartial decision-maker.

151. Accordingly, the Nuisance Policy violated the right to due process under Missouri Const. art. 1, §§ 2, 10.

152. Therefore, Ms. Watson requests the relief outlined below.

WHEREFORE, Ms. Watson prays for judgment on Counts I – IX as follows:

1. Ms. Watson requests a declaratory judgment against Defendants under (a) Federal Rule of Civil Procedure 57, (b) 28 U.S.C. § 2201(a), and (c) any “further necessary or proper relief” under 28 U.S.C. § 2202;

2. Ms. Watson requests a declaration that the Nuisance Policy violates the United States Constitution, Missouri Const. art. 1, §§ 2, 8-10, and other legal provisions as set out above;

3. Ms. Watson requests an award of compensatory damages against all Defendants, and punitive damages against the individual Defendants;

4. Ms. Watson requests an award of the costs and expenses of this action, including attorneys’ fees pursuant to 42 U.S.C. § 1988(b); and

5. Ms. Watson requests any further relief that the Court determines may be just or equitable.

DATED this 7th day of April, 2017.

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Exhibit A

ARTICLE I. - IN GENERAL

Sec. 12-1. - Notification to the city by Union Electric Company.

For any month when there is a change of user of residential (rate 0.001) or nonresidential (rate 0.043) electric service within the city, Union Electric Company shall notify the public works director (or other appropriate official) of the city, in writing, within seven working days after the end of the month of said changes; indicating the address and apartment or unit number and the names of electric users per service and address and apartment or unit number in whose names service is connected or billed.

(Code 1982, § 16-1; Ord. No. 4594, § 1, 5-11-1993)

Sec. 12-2. - Violations.

It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this chapter, including the codes herein adopted, or to cause, permit or suffer any such violation to be committed. Any such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished with a fine not to exceed \$500.00 or 90 days in jail, or both. For purposes of this section, for each day a violation exists, each existing violation shall be considered a separate offense.

(Code 1982, § 7-50; Ord. No. 4221, § 1, 8-13-1985)

Secs. 12-3—12-20. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 12-21. - Enforcement official.

It shall be the duty and responsibility of the director of public works or his designated representative of the city to enforce the provisions of this chapter. No order for correction of any violation under this chapter shall be issued without the approval of the director of public works or his designated representative.

(Code 1972, § 803.01; Code 1982, § 7-16; Ord. No. 3784, § 2, 11-14-1974; Ord. No. 4090, § 2, 5-26-1981; Ord. No. 4163, § 1, 1-24-1984)

Sec. 12-22. - Permit fees.

- (a) The following fees shall be paid to the city clerk as a prerequisite to the issuance of a permit under the provisions of the Code adopted by this article: Remodeling, alteration or construction, \$5.00 for the first \$1,000.00 of estimated cost, and \$3.00 for every additional \$1,000.00 or fraction thereof of cost.
- (b) For every investigation or inspection, the fee shall be \$5.00.
- (c) A reinspection fee of \$20.00 shall be paid to the city clerk for each inspection after the first time a project has failed its inspection due to noncompliance with any of the following provisions:
 - (1) The inspection record card is not posted or otherwise not readily available at the work site;
 - (2) The approved plans are not readily available to the inspector at the site;
 - (3) Access to the work site is not provided on the date for which the inspection is requested;
 - (4) The job for which the inspection was requested is not completed and ready for inspection;
 - (5) Corrections ordered by the inspector have not been made;
 - (6) Deviations from the approved plans requiring the approval of the inspector have been made.

(Code 1972, § 801.04; Code 1982, § 7-17; Ord. No. 4941, §§ I—IV, 5-23-2000)

Sec. 12-23. - Inspections.

- (a) *Authorization.* The director of public works or his designated representative is authorized and directed to make inspections to determine whether structures, including, without limitation, dwellings and dwelling units, accessory structures and premises located within this city, conform to the requirements of the building, electrical, mechanical, plumbing, property maintenance and other codes and ordinances enacted to provide for the safety and appearance of structures and premises. For the purpose of making such inspections, the director of public works or his designated representative is authorized to enter, examine and survey at reasonable times all structures. The owner or occupant of every structure shall give the director of public works or his designated representative access thereto at reasonable times for the purpose of such inspection, examination and survey.
- (b) *Interference.* If any owner, occupant or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure where inspection is authorized by this chapter, the director of public works or his designated representative may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- (c) *Initiation.* Inspections pursuant to this section shall be initiated upon receipt of an application for inspection under the following circumstances:
 - (1) Whenever there is a change of owner or occupant of a structure, other than a multiple dwelling, or a residential rental unit for which a valid certificate of compliance exists as stated in subsection (e) of this section, the director of public works shall cause an inspection to be made of said structure to determine that the provisions of this chapter are complied with. If no violations are noted, the director of public works will issue a certificate of compliance which shall be valid until the next

Maplewood MO Code of Ordinances
change of ownership or occupancy unless revoked by the director of public works for good cause. These inspections will be made upon receipt of an application for inspection and accompanying fee.

- (2) Owners contemplating a change of ownership or occupancy may request the director of public works to make the inspection at a mutually agreed time.
- (3) An owner or an occupant may request an inspection at any time to determine if there are any violations of this chapter. The owner or occupant will be notified of violations with the understanding that abatement of internal violations will not be enforced, except those of an emergency nature constituting a health or safety hazard, until such time as there is a change of owner or occupancy, but that external conditions contributing to substantial blight or the appearance of blight or that are detrimental to the health, safety or welfare of residents of the city must be abated within a reasonable time as provided in sections 12-26 through 12-34
- (4) The director of public works may make external inspections at any time when he has reason to believe that conditions exist which contribute to substantial blight or the appearance of substantial blight or which are detrimental to the health, safety or welfare of residents of the city. The owner or occupant will be given a reasonable time to abate any violations as provided in sections 12-26 through 12-34. No inspection fee will be charged.

(d) *Fees.*

- (1) The fees for subsections (c)(1) and (2) of this section shall be as follows:
 - a. For the first unit, \$50.00.
 - b. For each additional unit, \$10.00.
- (2) Whenever an inspection of a multifamily dwelling or residential rental property indicates evidence of a violation of any provision of this chapter and written notice has been given to the owner to commence a remedy of the condition therein specified, a reinspection fee of \$25.00 for the first unit and \$5.00 for each additional unit shall be paid to the city clerk prior to every reinspection that is required that occurs after 30 days from date of the issuance of the notice of violation and correction order until the multifamily dwelling or residential rental property is determined to comply with the provisions of this chapter. The fee may be waived by the director of public works due to the need for additional time caused by the requirement to employ skilled tradesmen to make the repairs or seasonal weather conditions making exterior repairs impossible.

(e) *Annual inspection of multifamily dwellings and residential rental property.*

- (1) No person shall operate a multiple-family dwelling or residential rental property, unless a current certificate of compliance is issued for the specifically named multiple-family dwelling or residential rental property.
- (2) Every certificate of compliance for a multiple-family dwelling or residential rental property shall be issued for a period of one year unless revoked for good cause.
- (3)

No certificate of compliance shall be issued unless the owner or agent agrees in the application to such inspections, pursuant to this section, as may be required to determine whether the multiple-family dwelling or residential property in connection with the certificate of compliance is sought is in compliance with the provisions of this chapter, and also provides the city with a current list of tenants and occupants.

- (4) No certificate of compliance shall be issued unless the owner or agent has first made application for inspection, and the completed application form is accompanied by the payment of an inspection fee, and the applicant agrees to require all new tenants to obtain an occupancy permit before taking occupancy.
 - (5) No certificate of compliance shall be issued unless the applicant designates an agent who shall either reside or have a place of business in the city or in the county as authorized to accept service of notice of violation of the provisions of this article and for service or process pursuant to this article.
 - (6) The application for annual inspection shall be made no more than 60 days and no less than 30 days prior to the expiration of the current certificate of compliance.
 - (7) Whenever, upon inspection of the multiple-family dwelling or residential real property, it is found that conditions or practices exist which are in violation of the provisions of this chapter or any applicable rules and regulations pursuant thereto, the owner or agent shall be served with a notice of such violation in the manner provided in section 12-26.
 - (8) At the end of the time allowed for correction of any violation cited, there shall be a reinspection of the multiple-family dwelling or residential rental property to determine that, if such conditions have not been corrected within a reasonable time, there will be prosecution of such violation as provided in sections 12-31 through 12-34.
 - (9) Every owner or agent shall have a current and valid certificate of compliance before they sell, transfer, lease or otherwise dispose of any multiple-family dwelling or residential rental property and shall have advised the new owner or agent that annual inspections are required and that an occupancy permit is required of each new occupant before taking occupancy. The name and address of the new owner or agent succeeding to the ownership or control of such multiple-family dwelling or residential rental property shall be given to the city by written notice.
 - (10) The owner or agent of a multiple-family dwelling or residential rental property shall notify all occupants of inspections to be made, shall be present for inspections, and have means to gain entry to each dwelling unit and/or make arrangements with occupants to be present for inspections.
- (f) *Annual inspection of vacant buildings, vacant dwellings and dwelling units.*
- (1) No owner or agent shall maintain any vacant building, vacant dwelling or dwelling unit after 180 days of the date of vacancy without a current certificate of compliance.
 - (2)

Prior to obtaining a certificate of compliance, the owner or agent shall obtain an inspection of the vacant building, vacant dwelling or dwelling unit to determine whether a certificate of compliance may be issued. The process for obtaining an inspection shall be the same as set forth in subsection (e) of this section, except that the submission of a list of tenants is not applicable.

- (3) The fees for inspection shall be the same as set forth in subsection (d) of this section.
- (4) A certificate of compliance shall be issued if the owner has paid the applicable fees and the vacant building, vacant dwelling or dwelling unit complies with the following provisions:
 - a. The 1993 BOCA National Property Maintenance Code, as adopted, amended and codified in article III, division 2 of this chapter. Adoption of the property maintenance code, except that the regulations contained in the following paragraphs and chapters shall not apply:
 1. PM-303.4.2 Landscape materials;
 2. PM-303.11.2 Openable windows;
 3. PM-304.12 Insect screens;
 4. PM-305.1 General (Interior Structure);
 5. PM-305.3 Interior surfaces;
 6. Chapter 4 Light, Ventilation and Occupancy Limitations;
 7. Chapter 5 Plumbing Facilities and Fixture Requirements;
 8. Chapter 6 Mechanical and Electrical Requirements; and
 9. Chapter 7 Fire Safety Requirements.
 - b. In addition to the 1993 BOCA National Property Maintenance Code, with the above referenced exceptions, the vacant building, vacant dwelling or dwelling shall comply with the following regulations:
 1. Water service to the structure shall be turned off at the tee head, except in the case of a vacant unit, the plumbing shall be so winterized as to prevent the plumbing pipes from freezing;
 2. Natural gas service shall be turned off at the tee head, except in the case of a vacant unit, the natural gas service shall be turned off at an appropriate location to prevent leakage;
 3. No flammable materials shall be stored inside the structure;
 4. The interior premises shall be maintained free of rubbish and garbage;
 5. All floors shall be maintained in a safe condition; and
 6. All exterior doors shall be locked.
- (5) Every certificate of compliance for a vacant building, vacant dwelling or dwelling unit shall be issued for a period of one year unless revoked for good cause.
- (6) The owner or agent of the vacant building, vacant dwelling or dwelling unit shall have 30 days from the issuance of the notice of a violation to make all repairs and remedy any conditions found which prevent the issuance of a certificate of compliance. Additional time to correct violations, not

Maplewood MO Code of Ordinances
exceeding 60 days after the initial 30 days allotted for corrections or repairs, may be granted by the director of public works if the owner or agent has demonstrated by evidence of work already performed that work is progressing continuously to completion.

- (7) If the condition of the vacant building, vacant dwelling or dwelling unit is so deteriorated or unsafe that in the opinion of the director of public works the structure may be declared a public nuisance as set forth in section 12-32, then the director of public works may set another schedule for compliance, or may undertake emergency measures pursuant to section 12-35
- (8) If the owner or agent does not make all repairs and remedy any conditions which prevent the issuance of certificate of compliance, the director of public works is authorized to seek compliance with the provisions of this chapter as authorized in section 1-11
- (9) A transfer of ownership of a vacant dwelling shall comply with the regulations set forth in subsection (g) of this section.

(g) *Transfer of ownership.*

- (1) It shall be unlawful for the owner of any structure or his agent to sell, transfer, lease or otherwise dispose thereof to another until he shall have secured a certificate of compliance, and such owner shall be responsible for abating any violations necessary for a certificate of compliance to be issued, unless such owner or agent provides the grantee (including a lessee or mortgagee) with a true copy of the notice of any violation or compliance order which must be abated before a certificate of compliance is issued and provides the city with a signed and notarized statement from such grantee acknowledging the notice of violation or compliance order and fully accepting the responsibility, without condition, for making the corrections or repairs required within a reasonable time established by the city manager or director of public works, not to exceed 90 days. If such corrections or repairs are not completed within such time (as may be extended by the city manager or director of public works for good cause shown) the city may hold both the seller or lessor and the grantee responsible for such corrections or repairs. For dwellings and dwelling units, the owner or agent shall advise the grantee that such grantee must secure an occupancy permit if the premises are to be occupied.
- (2) A grantee who has received actual or constructive notice of the existence of a notice of violation or compliance order, whether or not shall be bound by such notice as of the date of the transfer without further service of notice upon him.
- (3) This section shall not apply to transfers of real property wherein the grantee commits in writing to the city manager or director of public works that the structures on the land so transferred will be demolished within 90 days after the transfer, provided that the structures are so demolished within such time. The city manager or director of public works may, upon good cause shown, grant an extension for a period of time not to exceed 90 days. If at the expiration of such 90-day period of time and any extension thereof the buildings shall not have been demolished, then the provisions of this section shall apply.

(Code 1972, § 803.02; Code 1982, § 7-18; Ord. No. 3784, § 2, 11-14-1974; Ord. No. 4067, § 1, 10-28-1980; Ord. No. 4073, § 1, 12-9-1980; Ord. No. 4090, § 2, 5-26-1981; Ord. No. 4163, § 1, 1-24-1984; Ord. No. 4645, § 1, 5-10-1994; Ord. No. 4941, §§ V, VI, 5-23-2000; Ord. No. 4974, §§ I, II, 2-13-2001; Ord. No. 5085, §§ I, II, 1-14-2003; Ord. No. 5160, §§ I, II, 3-9-2004; Ord. No. 5464, § I, 3-25-2008)

Sec. 12-24. - Access by owner or operator.

Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(Code 1972, § 803.03; Code 1982, § 7-19; Ord. No. 3784, § 2, 11-14-1974; Ord. No. 4090, § 2, 5-26-1981; Ord. No. 4645, § 1, 5-10-1994)

Sec. 12-25. - Occupancy permit.

(a) *Required.* It shall be unlawful for any person to hereinafter occupy, or for any owner or agent thereof to permit the occupancy of, any dwelling or dwelling unit, or addition thereto, or part thereof, for any purpose:

- (1) Until a certificate of occupancy has been issued by the director of public works;
- (2) If such certificate of occupancy has been revoked.

The certificate of occupancy shall be issued when the occupancy complies with all the provisions of this chapter.

(b) *Conditional.* The director of public works may, at his discretion, issue a conditional occupancy permit under circumstances where a buyer has made an affidavit stating that he will correct deficiencies within a specified time. Under no circumstances shall a conditional occupancy permit be issued if the listed violations, under the discretion of the public works director, are deemed to be health or safety issues. No conditional occupancy permit shall be issued for rental/leased units. Once a conditional occupancy permit is issued, the dwelling may then be occupied while repairs are being made. If the deficiencies are not corrected within the time specified, the conditional occupancy certificate may be revoked. At such time as the dwelling complies with all the provisions of this chapter, an occupancy permit will be issued as provided in subsection (a) of this section.

(c) *Application; required information.* Every application shall provide basic identifying information, and other identifying information determined to be necessary by the director of public works to verify the number and identity of the occupants; such information may include photographic identification of adult occupants and a copy of signed leases in the case of rental property.

(d) *Applicability.* This section shall not apply to any occupancy in existence on November 11, 1975, nor shall a family be considered in violation of this section by reason of births or deaths within a family, nor by reason of the return of a family member.

(e) *Fee.* The fee for such occupancy permit shall be \$15.00 for each dwelling unit occupied.

- (f) *False information.* It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit as to the names, ages, relationship, or number of occupants who will occupy the premises.
- (g) *Revocation.* The certificate of occupancy shall always be subject to this Code. Noncompliance with the regulations of this Code shall be deemed a violation subject to the penalties set forth herein, and in addition the director of public works or his authorized representative shall be empowered to revoke the certificate of occupancy for the unit in question, until such time as the violations are corrected and in compliance.

(Code 1972, § 803.04; Code 1982, § 7-20; Ord. No. 3784, § 2, 11-14-1974; Ord. No. 4090, § 2, 5-26-1981; Ord. No. 4163, § 1, 1-24-1984; Ord. No. 4645, § 1, 5-10-1994; Ord. No. 4941, § VIII, 5-23-2000; Ord. No. 5085, § III, 1-14-2003; Ord. No. 5464, § II, 3-25-2008)

ARTICLE VIII. - NUISANCES

Sec. 34-240. - Declaration of acts or conditions.

In addition to any other act declared to be a nuisance by this Code or other ordinances of the city, nuisances are hereby defined and declared to be as follows:

- (1) Any act done or committed, permitted or allowed to be done or committed, by any person, or any substance or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to public health;
- (2) Any pursuit followed or act done by any person to the hurt, injury, annoyance, inconvenience or damage of the public;
- (3) The existence of graffiti, as defined in section 34-263, which graffiti is visible to any person utilizing any public or private right-of-way;
- (4) Any building or other structure of whatever type kept or maintained, or which is permitted by any person owning or having control of such structure to be kept or maintained, in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public;
- (5) Any building where hazardous materials are stored or materials used for explosives are stored which is not maintained in compliance with federal law, state statute, county ordinance or this Code;
- (6) Any factory or business place permitted by the person owning or having charge of the same to operate or be in such condition as to become offensive, annoying or injurious to the public;
- (7) Any animal pen or cage permitted by the person owning or controlling the same to be in such condition as to be offensive, annoying or injurious to the public or harmful to the animal confined;
- (8) Any swimming pool, open containers of water, or pool of water kept, maintained or allowed to remain stagnant, or which enables the breeding of mosquitoes, and any foul or dirty water or liquid discharged through any pipe, or thrown into or upon any public right-of-way or private

property to the injury or annoyance of the public;

- (9) Any toilet, private sewer, vault or basement kept in such a condition as to emit an offensive odor; and any urine, liquid waste, or substance emitting an offensive, noxious, unhealthy or disagreeable odor in any public place;
- (10) Any condition which is conducive to the feeding or harborage of rats;
- (11) Any garbage, refuse, debris or other materials stored or allowed to remain on any premises as prohibited in section 12-117, pertaining to the adoption of the property maintenance code;
- (12) Any carcass of a dead animal which the owner or keeper thereof permits to remain within the limits of this city exceeding 12 hours;
- (13) Any animal or vegetable matter upon any premises liable to become putrid, offensive, or unhealthy, except manure deposits which are promptly incorporated into cultivated soil;
- (14) Any compost pile or any compost materials or pile not maintained in compliance with section 40-29, pertaining to composting;
- (15) Any obstruction caused or permitted on any street or sidewalk to the danger or annoyance of the public, and any rock, dirt, garbage, refuse or debris thrown or placed by any person on any street, alley, sidewalk or other public place or on any premises or in any stream of water within the city which in any way may cause or is liable to cause injury or annoyance to the public;
- (16) Any sidewalk, gutter or curb permitted to remain in an unsafe condition or out of repair by any person required to keep the sidewalk, gutter or curb in good condition or repair;
- (17) Any premises upon which any of the following acts or conditions have occurred or continue to occur, whether by the owner, occupants or persons frequenting or congregating about the property:
 - a. Commission of acts which are prohibited by federal law or state statute committed within the premises, or on the property thereof, or within the immediate vicinity of the property, and which have resulted in arrests that are classified as felonies occurring two or more times within a period of 90 days which acts affect the safety, convenience and tranquility of persons residing, making use or conducting business within the adjacent area;
 - b. Manufacture, distribution, sale or use of illegal drugs prohibited by federal law, state statute or city ordinance within the premises, or on the property, or within the immediate vicinity of the premises;
 - c. More than two instances within a 180-day period of commission of acts which are prohibited by state statute or city ordinance committed within the premises, or on the property thereof, or within the immediate vicinity of the property and which have resulted in arrests which acts affect the safety, convenience and tranquility of persons residing, making use or conducting business within the adjacent area;
 - d.

More than two instances within a 180-day period of consumption of alcoholic beverages on the public right-of-way adjacent to the premises or on the parking lot of the premises as prohibited in section 34-169, pertaining to drinking in public;

- e. More than two instances within a 180-day period of incidents of:
 1. Indecent conduct as prohibited by section 34-66; or
 2. Public urination;
- f. More than two instances within a 180-day period of incidents of peace disturbance or domestic violence resulting in calls to calls to the police;
- g. More than two instances within a 180-day period of peace disturbance of the public or behavior which intimidates the public committed by unsupervised juveniles resulting in calls to the police;
- h. More than two instances within a 180-day period of incidents of harassing or intimidating behavior, such as by blocking the path of persons passing by, making rude comments, or comments intended to frighten nearby inhabitants or persons passing by the property;
- i. More than two instances within a 180-day period of failure by the property owner to remove any litter as required in article X of this chapter, pertaining to littering;
- j. More than two instances within a 180-day period of incidents of loud noise emitted from electronic equipment of any type including radios and televisions on the premises or any parked vehicles belonging to the owner, occupants or persons frequenting the premises plainly audible at a distance of 50 feet outdoors, or which disturbs the peace of persons residing within the same building or an adjacent building;
- k. Any violation of this Code, which if continued is liable to endanger, annoy or injure the public;
- l. Each act or thing done or made, permitted, allowed or continued on any property, public or private, by any persons or corporation, their agents or employees, to the damage or injury of any of the inhabitants of this city, and not specified above.

(Code 1972, § 302.01(A), (B); Code 1982, § 21-1; Ord. No. 4684, § 2, 3-28-1995; Ord. No. 5373, § 1, 10-24-2006)

Sec. 34-241. - Inspections.

The city manager, chief of police and fire chief, or any officer, agent or employee appointed by or for any of them, are authorized to enter and inspect all premises in the city for the purpose of enforcing the provisions of this article. Whenever the person in possession of a building, structure or other premises refuses admittance to any person named in this section who requests admittance for the purpose of fulfilling his duties under the provisions of this article, then such person to whom admittance has been refused may obtain a warrant to enter, upon probable cause shown to a magistrate or other person authorized to issue such warrants.

(Code 1972, § 302.01(C); Code 1982, § 21-2)

Sec. 34-242. - Abatement procedures.

Nuisances shall be abated as follows:

- (1) In cases in which an immediate threat to the public health, welfare or safety is apparent, the city manager may abate or cause the abatement of the nuisance, without notice, by any suitable means. The costs of the abatement shall be certified by the city manager to the city council that may, by ordinance, levy the cost of the abatement as a special tax against the property on which the nuisance was located. Such tax shall be collected as other city taxes are collected and shall be a first lien on the property against which it is assessed until it is paid.
- (2) In all other cases, the city manager or his designee shall hold a hearing determine whether a nuisance exists and whether and how it should be abated.
 - a. At least five days' notice shall be given of such hearing to the owner and occupant of the premises upon which the alleged nuisance exists, or to such person's agent, and to the person causing or maintaining the alleged nuisance if other than the owner or occupant and if such person can be found. Such notices shall be given in writing and delivered in person to the party's residence or place of business.
 - b. All interested parties may appear at the hearing and testify and present evidence concerning the alleged nuisance.
 - c. In determining whether the activity or conditions constitute a nuisance, the city manager or his designee shall consider the following factors:
 1. The magnitude of the harm caused by the alleged detrimental activity or conditions;
 2. The length of time that the alleged detrimental activity or conditions have existed;
 3. The effect of the activity or conditions at the property on the value of adjacent properties and those in the surrounding area;
 4. The number of times that public safety officers have been dispatched to the property; and
 5. The extent of efforts by the owner or person having charge of the property to remedy the alleged detrimental activity or conditions.
 - d. If, after the hearing, it is found that a nuisance exists and that it must be abated, the city manager or his designee may order the owner or occupant of the premises on which the nuisance exists or the person other than the owner or occupant who caused or maintains the nuisance, to abate the nuisance within a prescribed period of time, or abate it by other means.
 - e. The city manager or his designee shall effect the abatement of the nuisance by any measures necessary to cause its cessation and the prevention of its recurrence, including the ordering of revocation of occupancy permits for the persons residing at the dwelling or place of business where the nuisance has occurred and the denial of occupancy permits within the city to those persons for a period not to exceed six months, or the closure of the premise where the nuisance has occurred for a period not to exceed six months.

- f. The city manager or his designee shall levy a tax for the costs of the abatement incurred by the city under the provisions of subsection (1) of this section.
 - g. Any person adversely affected by the abatement order shall have a right of judicial review as provided by RSMo 536.100.
 - h. If the revocation of occupancy permits or the closure of the property is ordered, the city manager shall direct the chief of police to set a time period within which the property shall be vacated. The owner of the property, person in charge of the property and the occupant shall be notified to vacate the premises within the time period ordered by the chief of police. It shall become the duty upon such notice of both the owner and the occupant of such premises to comply by vacating the premises within the time period ordered by the chief of police. It shall be considered a violation of this Code if such premises are not vacated within the time period ordered by the chief of police. The chief of police is authorized to remove persons from the premises that have not been vacated within the time period ordered. The chief of police shall have the premises secured to prevent unlawful entry.
 - i. Failure to comply with the lawful order of the city manager or his designee under the provision of this section shall be sufficient to subject a person to the penalties prescribed for violations of a provision of this Code.
- (3) No person shall deny entry to any person authorized to abate a nuisance to the property on which the nuisance to be abated exists, nor shall any person interfere with or hinder in any way the efforts of such authorized person or persons to abate the nuisance.
- (4) In any case, the city manager may authorize the city attorney to file suit against the owner or occupant of the property on which the nuisance exists, or the person other than the owner or occupant who caused or maintains the nuisance, to abate that nuisance.
- (5) In case of the abatement of a nuisance on the property of more than one person, all special taxes assessed under the provisions of this chapter shall be assessed in proportion to the amount of work and expense for the abatement of the nuisance for each separate parcel.

(Code 1972, § 302.01(D); Code 1982, § 21-3; Ord. No. 5373, § II, 10-24-2006)

Secs. 34-243—34-262. - Reserved.

ARTICLE IX. - GRAFFITI

Sec. 34-263. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Graffiti means either or both of the following, as the context requires:

- (1) The intentional act of defacing, damaging or destroying any public or private building, structure, place, or personal property affixed to real property, within the city, by spraying or marking with paint, ink, chalk, dye, or other similar substance any drawing, inscription, figure or mark of the type commonly known and referred to as graffiti; or
- (2) Any such drawing, inscription, figure or mark so sprayed or marked.

(Code 1982, § 15-86; Ord. No. 4684, § 1, 3-28-1995)

Sec. 34-264. - Penalty.

Any person convicted of a violation of section 34-265 shall be subject to a fine not to exceed \$500.00 or to imprisonment not to exceed 90 days, or to both such fine and imprisonment. When appropriate, in addition to such fine and/or imprisonment, the court shall require those convicted of violation of section 34-265 to remove the graffiti and restore to its original condition the property on which the graffiti was created.

(Code 1982, § 15-88; Ord. No. 4684, § 1, 3-28-1995)

Sec. 34-265. - Graffiti unlawful.

It shall be unlawful for any person to create graffiti on any public or private building, structure, place, or personal property affixed to any real property, within the city, which graffiti is visible to any person utilizing any public or private right-of-way.

(Code 1982, § 15-87; Ord. No. 4684, § 1, 3-28-1995)

Sec. 34-266. - Abatement of nuisance.

Whenever the public works director determines that graffiti exists on any public or private building, structure, place, or any personal property affixed to real property, within the city, and that such graffiti is visible to any person utilizing any public or private right-of-way, the public works director may request that the city manager take actions pursuant to section 34-242 to determine whether such graffiti exists and constitutes a nuisance, and to provide for the abatement of any such nuisance. In determining a prescribed period of time to abate a nuisance of graffiti in any order pursuant to section 34-242(2), the city manager shall take into account how the then-seasonal temperature may affect the ability to paint exterior surfaces or to take other actions involved in abating the graffiti nuisance.

(Code 1982, § 15-89; Ord. No. 4684, § 1, 3-28-1995)

Exhibit B



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1222-CR03929 - ST V ROBERT S HENNINGS III

Case Header

Parties & Attorneys

Docket Entries

Charges, Judgments & Sentences

Service Information

Filings Due

Scheduled Hearings & Trials

Civil Judgments

Garnishments/Execution

This information is provided as a service and is not considered an official court record.

Charge/Judgment

Description: Domestic Assault - 3rd Degree - 1st/2nd Offense { *Misdemeanor A RSMo: 565.074* }

Date: 07/12/2012

Code: 1301900

Disposition: *Guilty Plea* - 08/27/2012

OCN: C2059932

Arresting Agency: ST LOUIS METROPOLITAN POLICE

Sentence

Sentence: Incarceration Jail

Sentence Date: 08/27/2012

Start Date: 08/27/2012

Length: 200 Days

Text: 200 DAYS MSI 45 DAYS CREDIT FOR TIME SERVED DEFENDANT MUST SERVE AN ADDITIONAL 155 DAYS

Next Charge/Judgment

Description: Domestic Assault - 3rd Degree - 1st/2nd Offense { *Misdemeanor A RSMo: 565.074* }

Date: 07/12/2012

Code: 1301900

Disposition: *Guilty Plea* - 08/27/2012

OCN: C2059932

Arresting Agency: ST LOUIS METROPOLITAN POLICE

Sentence

Sentence: Incarceration Jail

Sentence Date: 08/27/2012

Start Date: 08/27/2012

Length: 200 Days

Text: 200 DAYS MSI 45 DAYS CREDIT FOR TIME SERVED DEFENDANT MUST SERVE AN ADDITIONAL 155 DAYS

[Click here to receive MOVANS phone/e-mail notices of future hearings on this case](#)



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1222-CR03929 - ST V ROBERT S HENNINGS III

Case Header

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Garnishments/Execution

This information is provided as a service and is not considered an official court record.

Sort Date Entries: Descending Ascending

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09/20/2012

Offender Mail Received

Defendant's letter was received requesting a copy of the judgment and sentence paperwork. A post card was previously mailed out with the cost for copies.

09/11/2012

Offender Mail Received

Defendant's letter to the Court was received requesting a copy of the Sentence and Judgment paperwork. A post card was mailed with the cost for copies.

08/27/2012

Judgment Pub Defender Entered

Filed By: CHRISTINA ERIN CARR

Judge/Clerk - Note

VCCF-CG

Costs Waived**Defendant Sentenced****Guilty Plea**

Filed By: ROBERT SAVON HENNINGS III

Hearing Held

Scheduled For: 08/27/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

Hearing Held

Scheduled For: 08/27/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

Confin Arraign Doct Hrng Sched

Associated Entries: 08/27/2012 - Hearing Held

Scheduled For: 08/27/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

08/14/2012

Memorandum Filed

State's memorandum regarding discovery and appropriate disposition

08/02/2012

Request Filed

Discovery

Filed By: CHRISTINA ERIN CARR

08/01/2012

Entry of Appearance Filed

Filed By: CHRISTINA ERIN CARR

07/16/2012

Criminal Setting Scheduled

Associated Entries: 08/27/2012 - Hearing Held

Scheduled For: 08/27/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

Judge/Clerk - Note

BOND TO REMAIN THE SAME SO ORDERED JUDGE MICHAEL STELZER

Hearing Held

Scheduled For: 07/16/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

Confin Arraign Doct Hrng Sched

Associated Entries: 07/16/2012 - Hearing Held

Scheduled For: 07/16/2012; 9:00 AM ; MICHAEL FRANCIS STELZER; Carnahan Courthouse

07/12/2012**Bond Set**

\$1,500.00 CASH ONLY, PER JUDGE MICHAEL F STELZER, BY PHONE 3:48PM

Judge Assigned**Request Filed****Information Filed**

[Click here to receive MOVANS phone/e-mail notices of future hearings on this case](#)

Exhibit C



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1222-PN02075 - PROTECTION ORDER

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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This information is provided as a service and is not considered an official court record.

Sort Date Entries: Descending Ascending

Display Options: ▼

05/21/2013	Judge/Clerk - Note Made certified copy of entire file for Anne O'Brien, St. Louis City Circuit Atty Office.
07/31/2012	Judge/Clerk - Note CASE TAXED
07/27/2012	Ord of Protection Served Document ID - 12-AFOP-496; Served To - HENNINGS, ROBERT SAVON; Server - M. HUDSON, SERVICE DEPUTY; Served Date - 26-JUL-12; Served Time - 19:39:00; Service Type - Sheriff Department; Reason Description - Served
07/26/2012	Tried by Court-Civil Comisners Findings/Recm The findings and recommendations of the Commissioner, Robert A Ward - 30579, are approved and adopted. SO ORDERED: JUDGE ELIZABETH HOGAN 48160
	Judmt Full Order Protection Resp not to abuse stalk molest - YES; Resp not to communicate w/Petp - YES; Expiration Date - 24-JUL-2013; Resp not to enter or stay - YES; Additional Orders by Court - YES; Terms of additional orders - RESPONDENT TO STAY 100FT AWAY FROM PETITIONER & NOT COMMUNICATE WITH PETITIONER THROUGH ANY MEDIUM. COURT COSTS ARE ASSESSED AGAINST RESPONDENT. SO RECOMMENDED: COMMISSIONER ROBERT A WARD, 30579. SO ORDERED: JUDGE ELIZABETH HOGAN, 48160.
	Full Order of Protection
	Protection Order Issued Document ID: 12-AFOP-496, for HENNINGS, ROBERT SAVON.
07/25/2012	Adult Abuse Hearing Held Scheduled For: 07/25/2012; 9:30 AM ; ELIZABETH BYRNE HOGAN; City of St. Louis
07/12/2012	Ord of Protection Served Document ID - 12-AEOP-1269; Served To - HENNINGS, ROBERT S; Server - [Not Provided]; Served Date - 12-Jul-2012; Served Time - 18:33:00; Service Type - EE; Reason Description - Served
	OEXPA Submitted Electronically Ex Parte Order was submitted for electronic processing
	ExParte Order of Protection Resp not to abuse stalk molest - YES; Resp not to enter or stay - YES; Resp not to communicate w/Petp - YES; Additional orders by Court - YES; Terms of additional orders - RESPONDENT STAY AWAY FROM PETITIONER. SO ORDERED: JUDGE ELIZABETH HOGAN 48160
	Ex Parte Order Issued

Case.net: 202-FNC02070 Docket Entries
Document ID: 12-AEOP-1269, for HENNINGS, ROBERT SAVON.

Adult Abuse Hearing Scheduled

Associated Entries: 07/25/2012 - Adult Abuse Hearing Held

Scheduled For: 07/25/2012; 9:30 AM ; ELIZABETH BYRNE HOGAN; City of St. Louis

Pet for Protection Ord Filed

PET Relationship to RES - BOY/GIRL FRIEND EX

Judge Assigned

Exhibit D

▼
City
of Maplewood

THIS IS THE NOTICE FOR A HEARING WHICH REQUIRES YOUR ATTENDANCE



March 7, 2012

Rosetta Watson
2507 Bellevue Avenue #9
Maplewood, MO 63143

▼
Dear Ms. Watson:

The City has examined its records and has noted several police reports for disturbances at your apartment. According to the occupancy permit, Ms. Rosetta Watson and Mr. Robert Hennings are the tenants at 2507 Bellevue Avenue #9. This condition is alleged to be a nuisance as defined in the Maplewood Code of Ordinances, Section 34-240.

The City of Maplewood will conduct a hearing on Thursday, March 22, 2012 at 4:00 p.m. at Maplewood City Hall, 7601 Manchester Road, concerning the numerous peace disturbance calls placed to the police department. The hearing will be conducted by authority of the Maplewood Code of Ordinances, Section 34-242. The purpose of the hearing will be to determine whether the situation constitutes a nuisance and, if so, how the nuisance should be abated.

You are requested to appear at the hearing.

The hearing officer will accept statements from police, residents, yourself and others concerning the alleged nuisance. You may hire an attorney to represent you, but you are not required to do so. You may present evidence concerning the alleged nuisance. The hearing officer will make a determination as to whether a nuisance exists per the city code. If it is determined that a nuisance exists, the hearing officer will determine what action, if any, will be taken to abate the nuisance.

If you have any questions, please contact the undersigned at 314-646-3635.

You will be notified of the hearing outcome.

City of Maplewood

A handwritten signature in black ink, appearing to read "Anthony Traxler".
Anthony Traxler
Assistant City Manager,
Director of Public Works

Exhibit E

▼
*City
of Maplewood*



March 7, 2012

▼
Bellevue Apartments, LLC
Attn: James Eichenlaub
1336 Kiefer Bluffs Drive
Ballwin, MO 63021

Re: 2507 Bellevue Avenue #9
Maplewood, MO 63143

Dear Mr. Eichenlaub:

This letter is written to inform you of a nuisance hearing that will be held on Thursday, March 22nd, 2012 at 4:00 p.m. at Maplewood City Hall, 7601 Manchester Road, Maplewood, MO 63143. This hearing concerns Ms. Rosetta Watson, resident of 2507 Bellevue Avenue #9. There have been several disturbance calls to the Maplewood Police Department involving Ms. Watson. The hearing will determine if a nuisance exists, and if it does, what actions may be taken to correct the nuisance.

If you have any questions, please contact me at 314-646-3635.

City of Maplewood

A handwritten signature in black ink, appearing to read "Anthony Traxler".
Anthony Traxler
Assistant City Manager,
Director of Public Works

Exhibit F



March 7, 2012



Husch Blackwell Sanders LLP
Craig Biesterfeld, Attorney-at law
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

Re: Nuisance Hearing-2507 Bellevue Apt. #9

Dear Craig/Mike:

▼ Your assistance is requested for the preparation and presentation of the City of Maplewood's case for a hearing to be held pursuant to Chapter 34 of the Maplewood Code of Ordinances for conditions alleged to constitute a nuisance at the above referenced address. A hearing has been set for Thursday, March 22, 2012 at 4:00 p.m. at Maplewood City Hall. A court reporter has been retained for the hearing.

This hearing concerns Rosetta Watson, who has contacted the police numerous times regarding disputes with a male visitor who has been identified as her boyfriend, Robert Hennings. Ms. Watson added Mr. Hennings to her occupancy permit on December 20, 2011. The actions appear to fall within the provisions of Chapter 34 Section 17 F, "more than two instances within a one hundred eighty (180) day period of peace disturbance or domestic violence resulting in calls to the police."

The following incidents will be presented in testimony.

09/24/2011 3:19 p.m. Report #11-2867 Officer Schmitt
Officer Schmitt was dispatched to the above referenced address on a peace disturbance call. Ms. Watson stated she was hanging out with Mr. Hennings. At one point, she asked him to leave. Once he left the apartment, she locked the door and secured it with a chain. Ms. Watson stated that Mr. Hennings kicked in the door and punched her in the mouth.

11/08/2011 8:04 p.m. Report #11-3327 Officer Pennycook
Officer Pennycook was dispatched to the above referenced address on a disturbance call. Ms. Watson stated that she was on the phone with her daughter and Mr. Hennings attempted to talk to her. She states that she told him she was on the phone. She further states that Mr. Hennings became upset and pushed her off the bed. According to this report, Mr. Hennings stated that he has been living at the apartment for over a year.

▼
City
of Maplewood



01/07/2012 1:57 a.m. Report #12-54 Officer Debisschop
Officer Debisschop was dispatched to the above referenced address on a domestic disturbance call. Ms. Watson and Mr. Hennings both stated that they had a verbal argument. Mr. Hennings agreed to leave the apartment.

02/22/2012 9:45 p.m. Report #12-494 Officer Prest
Officer Prest was dispatched to the above referenced address on an assault in progress call. Ms. Watson states that she was upset to find Mr. Hennings at her apartment when she returned from her trip. She states he was there when she returned and they got into a fight.

▼
The above mentioned officers have contacted and requested to testify at the hearing. If you wish to interview the witnesses in advance of the hearing date, please contact the undersigned.

Your assistance is appreciated.

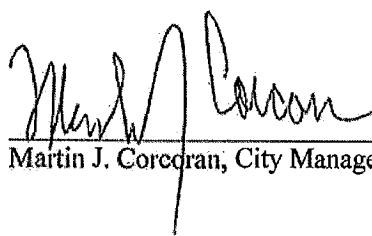
City of Maplewood, MO

A handwritten signature of Anthony Traxler.
Anthony Traxler
Assistant City Manager
Director of Public Works

Exhibit G

March 22, 2012

I, Martin J. Corcoran, City Manager of the City of Maplewood, hereby authorize Anthony Traxler to serve as Hearing Officer for hearings conducted pursuant to Chapter 34 Article VIII of the Maplewood Code of Ordinances.



Martin J. Corcoran, City Manager

Exhibit H

CITY OF MAPLEWOOD
FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER REGARDING
PROPERTY LOCATED AT 2507 BELLEVUE AVENUE, APT. #9
MAPLEWOOD, MISSOURI

Anthony Traxler, acting as the Hearing Officer by designation of the City Manager pursuant to Chapter 34 Article VIII of the Maplewood Code of Ordinances, having heard evidence at a hearing held on March 22, 2012, and having reviewed the evidence presented at the hearing of the City of Maplewood, hereby makes the following findings of fact, conclusion of law, and order.

FINDINGS OF FACT

1. Rosetta R. Watson (also known as Rosetta Watson), DOB [REDACTED] is the current occupant of 2507 Bellevue Avenue, Apt. #9 ("Property"), Maplewood, Missouri.
2. The City of Maplewood has issued an occupancy permit to Rosetta R. Watson and Robert S. Hennings for the Property.
3. The following instances involved peace disturbances and/or domestic violence involving Rosetta R. Watson and Robert S. Hennings at the Property. Each of these incidents resulted in calls to the police within a 180-day period:

Date	Event	Police Report Number
09/24/2011	Domestic Disturbance Call	11-2867
11/08/2011	Domestic Disturbance Call	11-3327
01/07/2012	Domestic Disturbance Call	12-54
02/22/2012	Domestic Disturbance Call	12-494

4. True and correct copies of the police reports are incorporated herein by reference.
5. Proper notice of a public hearing to be held on March 22, 2012 with respect to the existence of a nuisance at the Property was given to Rosetta R. Watson and Robert S. Hennings.
6. The public hearing was held on March 22, 2012 at Maplewood City Hall, the record of which is incorporated herein by reference.
7. Rosetta R. Watson attended the March 22, 2012 hearing.
8. As established by the testimony of City of Maplewood police officers, there have been repeated instances at the Property of peace disturbance and/or domestic violence resulting in numerous calls to the police.

9. As a result of these instances of peace disturbance and domestic violence, Maplewood police officers have been put at risk.
10. Given the nature and number of incidents, a high magnitude of harm has been caused.

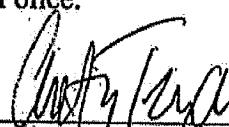
CONCLUSION OF LAW

1. More than two instances within a 180-day period of incidents of peace disturbance or domestic violence resulting in calls to the police have occurred at the Property.
2. Such incidents constitute a public nuisance.

ORDER

Pursuant to Chapter 34 Article VIII of the Maplewood Code of Ordinances and the predecessor codified sections thereof, Anthony Traxler, Hearing Officer, hereby orders as follows:

1. The occupancy permit issued to Rosetta R. Watson for 2507 Bellevue, Apartment #9, is hereby revoked for a period of six (6) months commencing on the date set by the Maplewood Chief of Police, and Rosetta R. Watson shall not be entitled to occupy such property and shall be denied an occupancy permit within the City of Maplewood for a period of six (6) months commencing on the date set by the Maplewood Chief of Police;
2. The occupancy permit issued to Robert S. Hennings for 2507 Bellevue, Apartment #9, is hereby revoked for a period of six (6) months commencing on the date set by the Maplewood Chief of Police, and Robert S. Hennings shall not be entitled to occupy such property and shall be denied an occupancy permit within the City of Maplewood for a period of six (6) months commencing on the date set by the Maplewood Chief of Police.



Anthony Traxler
Hearing Official
Director of Public Works
City of Maplewood

Date: 4/10/17

Exhibit I

April 10, 2012

VIA HAND DELIVERY

Ms. Rosetta Watson
2507 Bellevue Avenue #9
City of Maplewood, MO 63143

Dear Ms. Watson:

Pursuant to the April 10, 2012 Order issued by Anthony Traxler that orders the denial of your right of occupancy at 2507 Bellevue Avenue #9 for a six month period, I am advising you that you must vacate the premises at 2507 Bellevue Avenue #9 by 5:00 p.m. on Wednesday, May 30, 2012.



Chief of Police

Exhibit J

▼
City
of Maplewood



March 8, 2012

▼
Bellevue Apartments LLC
Attn: James Eichenlaub
1336 Kieffer Bluffs
Ballwin, MO 63021

Re: 2507 Bellevue #9
Maplewood, MO 63143

Dear Mr. Eichenlaub:

The City held a nuisance hearing on Thursday, March 22, 2012 at 4:00 for this address due to numerous calls to the Maplewood Police Department for disturbances. As a result of the hearing, the occupancy permit for Ms. Rosetta Watson will be revoked effective Wednesday, May 30, 2012. In addition, Ms. Watson will not be able to get an occupancy permit in the City of Maplewood for six months.

If you have any further questions, please contact the undersigned at 314-646-3635.

City of Maplewood

A. Traxler/T.D.
Anthony Traxler
Assistant City Manager,
Director of Public Works