DEPARTMENT OF PUBLIC SAFETY
CITY OF ST. LOUIS

CITY OF ST. LOUIS,	)	
	)	
Petitioner	)	
	)	
vs.	)	Re: 1520 WASHINGTON AV
	)	
ELY WALKER LOFTS CONDOMINIUM ASSOCIATION	)	
	)	
Respondent.	)	

CONSENT ORDER

The City of St. Louis (the "City") and Ely Walker Lofts Condominium Association, the entity in care, custody, and control of the common areas of the building located at 1520 Washington Avenue, St. Louis, Missouri 63103 (the "Association") (the City and the Association are each a "Party" and together are the "Parties"), enter into this Consent Order based on a Public Nuisance Notice (the "Notice") sent by the Department of Public Safety on May 2, 2022, and posted on May 3, 2022. The Parties consent to the following:

Ordinance NO. 69730 and Ordinance NO. 70390 are the ordinances that govern this matter. Ordinance NO. 69730 (as amended by Ordinance NO. 70390) defines a nuisance as "a continuing act or physical condition which is made, permitted, allowed, or continued by any person or legal entity, their agents or servants or any person or legal entity who aids therein which is detrimental to the safety, welfare, or convenience of the inhabitants of the City or a part thereof, or any act or condition so designated by statute or ordinance." Pursuant to Ordinance NO. 69730 Section Two, "Public Nuisance" (as amended by Ordinance NO. 70390), a public nuisance exists when the premises are used for "maintaining or permitting a condition or engaging in an activity which unreasonably annoys, injures, or endangers the safety, health, morals, or repose of any inhabitants of the City of St. Louis . . ." two or more times in the previous 12 months.

According to Ordinance NO. 69730 Section Five, "Administrative Hearings" (as amended by NO. 70390), when an Owner of a property has failed to abate the nuisance within 30 days of the Notice, a Hearing Notice for a Public Nuisance Hearing may be issued to the Owner of the premises. A Public Nuisance Hearing could result in "the appointment of a receiver."

In accordance to the Ordinances, Ely Walker Lofts Condominium Association is the entity in "care, custody, and control" of the common areas of the premises commonly known as 1520 Washington Avenue, St. Louis, Missouri 63103 (the "Premises") and it was formed, in part, to promote the health, safety, and welfare of the residents of 1520 Washington Avenue according to its Articles of Incorporation of a Nonprofit Corporation filed with the Missouri Secretary of State on March 16, 2007.

There were approximately two hundred forty-seven (247) calls for police service to the Premises from August 31, 2021, through August 31, 2022. These calls include calls for nuisance type activity such as disturbances, noise, shootings, fighting, and assault.

In order to abate the nuisance, an Administrative Hearing was scheduled for September 7, 2022. However, on August 30, 2022, the Parties met and discussed the issues and possible solutions. The parties agreed to address the safety concerns by implementing the following changes and modifications.

CONSENT AGREEMENT OF PARTIES AND ORDER OF THE HEARING OFFICER

It is the Order of the hearing officer that the Association shall implement the following safety and security measures:

1. Within 7 days of the date of this Order, provide all occupants with a 24-hour non-emergency customer service line and provide instructions on the use of this number vs 911. The non-emergency number should be monitored 24 hours;

2. Within 7 days of the date of this Order, commence utilizing the newly installed Latch Access Control system on the front and back building entry points.

3. Within 7 days of date of this Order, lock all access points to the rooftop [redacted]

4. Within 14 days of the date of this Order, place "No Trespassing" signs at access points on the Premises;

5. Within 45 days of the date of this Order, install the Latch Access Control system on the elevators (or any access system that limits elevator usage to only authorized persons);

6. Within 45 days of the date of this Order, install a front exterior camera;

7. Within 45 days of the date of this Order, secure all internal stairwells and confirm they are egress only; and

8. For 12 months from the date of this Order or up until there is a 60% decrease in calls for service, employ licensed and insured security [redacted] n.

If the Association fails to implement any of the Ordered safety and security measures, the Department of Public Safety has the right to immediately reconvene for a hearing that could result in the appointment of a receiver.

The Association acknowledges that this a contested case and that by entering into this Consent Order rather than proceeding with a hearing it waives its right to seek judicial review of this Consent Order.

Entered into this 2nd day of September, 2022.

Ely Walker Condominium Association
by President, With authority from the Board

Myia Wood
Attorney Manager, Problem Properties
1520 Market, Room 4025
St. Louis, MO 63103
(314) 657-1306

SO ORDERED:

9/6/22
Date

Thomas Yarbrough, Hearing Officer

CC. Daniel Isom, Director of Public Safety
401 City Hall
St. Louis MO 63103