



WILDWOOD

It is important to note that an ordinance violation is a municipal or county violation, but an indenture violation is a private matter. Following are the necessary steps to prosecute an ordinance violation versus an indenture violation.

ENFORCEMENT OF MUNICIPAL OR COUNTY CODE VIOLATIONS

Most code violations are civil infractions or misdemeanors. The steps to prosecuting code violations generally include:

1. To begin the investigation of a specific complaint, a municipal or county inspector contacts the alleged violator. In unincorporated St. Louis County, this inspector is from the County's Neighborhood Preservation Office.
2. If a violation is verified, the inspector will prepare a notice of violation informing the property owner of the infraction and establishing a time frame to remedy the problem.
3. If a violation is not remedied, the case will be directed to Municipal Court.
4. There are three stages in the court action: an arraignment, a pre-trial (settlement with the prosecuting attorney), and a trial before the judge.
5. If the property owner is found guilty of the infraction, penalties are assessed.

ENFORCEMENT OF INDENTURES

Subdivision indentures are private, contractual agreements and enforcement of violations are civil actions between the subdivision association or an individual property owner making a complaint and the property owner who is allegedly in violation of the indenture. The steps to prosecuting indenture violations generally include:

1. The subdivision association would normally contact the owner and inform them of the specific violation and provide a time frame for resolution.
2. If the violation were not remedied, a civil action would be filed in Circuit Court.
3. The action that would normally be requested is for injunctive relief, or causing the violation to stop and be remedied.
4. A trial judge could issue an order that could be a restraint order, a temporary injunction (if immediate risk of injury is present or a dangerous nuisance is found) after a pre-trial, or a permanent injunction after the final hearing.

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