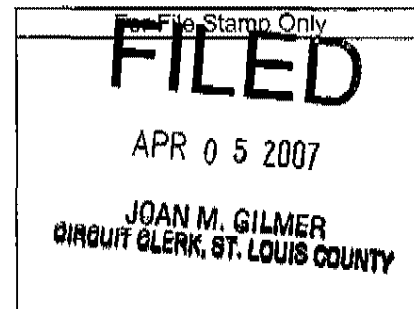


IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
21st JUDICIAL CIRCUIT

Stephanie Reynolds, et al.,)	
Plaintiffs,)	April 5, 2007
)	
vs)	07CC-1420
)	
City of Valley Park, Mo, et al.,)	Division 7
)	
Defendants.)	



TEMPORARY RESTRAINING ORDER

This matter comes before the court on Plaintiffs' Motion for a Temporary Restraining Order with notice to counsel for Defendants. Defendants consent to hearing of plaintiffs' motion on April 5, 2007. Plaintiffs appear by counsel. Defendants appear by counsel. The court having considered Plaintiffs' Motion for a Temporary Restraining Order and exhibits attached thereto, and the court having taken judicial notice of the court file in Cause Number 06CC-3802, and the court having further considered argument of counsel and Supreme Court Rul2 92, and the court being advised in the premises finds and concludes that:

1. Valley Park Ordinance No. 1721, as amended in Ordinance Numbers 1723 and 1725, is being enforced in the City of Valley Park, Missouri.
2. Plaintiffs have demonstrated that immediate and irreparable injury, loss, or damage will result in the absence of relief and that plaintiffs are likely to succeed on the merits of their claim that Ordinance Number 1721, as amended, is void, for one or more of the following reasons: (1) the ordinance usurps exclusive federal authority to regulate immigration, and is thus preempted by federal law under the Supremacy Clause, U.S. Const., Art. VI, Cl.2; (2) the ordinance bears no rational or reasonable relationship to the purpose or intent of the Valley

Park Property Maintenance Code; (3) the ordinance serves no legitimate purpose and impedes the operation of plaintiffs' businesses; (4) the ordinance was enacted in violation of the limited powers delegated to the City of Valley Park by the Missouri Legislature; (5) the ordinance interferes with plaintiffs' property rights; (6) the ordinance promotes discrimination in housing and violates, and is preempted by, the Fair Housing Act; and, (7) the ordinance deprives plaintiffs of property rights without due process because it imposes a condition precedent, i.e., a determination by the federal government as to whether a proposed occupant of property is an alien lawfully present in the United States, that at best, creates unreasonable delay in the process of obtaining a permit to occupy property, and at worst, prevents a final decision as to whether or not an inspection of property will be done and whether or not a permit will issue.

Plaintiffs' request for a temporary restraining order is granted.

WHEREFORE, it is Ordered and Adjudged that Defendants City of Valley Park, Missouri, Jeffrey Whitteaker, John Brust, Daniel Adams, Randy Helton, Don Carroll, Michael Pennise, Ed Walker, Steve Drake, and J. Michael White are enjoined and prohibited from enforcing the provisions of Ordinance Number 1721, as amended, that are set out in bold face and lined through on Exhibit A to this Temporary Restraining Order. Exhibit A is attached to and incorporated herein by this reference as if fully set out. This Order shall be binding upon Defendants, their agents and all people acting at Defendants' direction, including housing inspectors and police officials of the City of Valley Park who are acting under contract with, or as agents of, the City of Valley Park, Missouri.

This Temporary Restraining Order is issued at 1:15 p.m. on April 5, 2007 and shall expire 15 days from the date and time of its issuance, subject to such extension as may be granted by this court. Plaintiffs shall post bond in the amount of \$250.00. Defendants shall show cause in Division 31 on April 20, 2007 at 9:00 a.m. as to why this temporary restraining order should not be extended.

Done this 5th day of April, 2007 at 1:15 p.m.

SO ORDERED:



Carolyn C. Whittington, Presiding Judge

BILL NO. 1876

ORDINANCE NO. 1729

**AN ORDINANCE AMENDING SECTION 510.020,
SUBSECTION 103.6.1, OF THE PROPERTY
MAINTENANCE CODE OF THE
CITY OF VALLEY PARK, MISSOURI,
RELATING TO INSPECTIONS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VALLEY PARK, MISSOURI, AS FOLLOWS:

Section One

Language in bold letters is hereby deleted from Section 510.020, Subsection 103.6.1., and new letters or section numbers shall be delineated in brackets [] as follows:

(a) It shall be unlawful for any owner or agent of real property containing a dwelling unit or units to permit or allow any person to occupy the dwelling unit or part thereof for any purpose until a certificate of occupancy has been issued by the Building Commissioner. Every owner, agent or manager of any dwelling unit shall inform the City whenever any portion of the building or dwelling unit becomes vacant, or that a change of occupancy in the building or unit is imminent [and an inspection may occur, and thereafter the] ~~and the~~ owner, manager or agent shall apply for an occupancy permit on such forms provided by the City. The City shall review the application, which shall set forth names, ages, ~~citizenships~~, and relationships for each proposed occupant, together with such identifying information that shall be required by the City. ~~The Building Commissioner, consistent with federal law and Ordinance 1715, shall not issue an occupancy permit and will deny the same if any alien unlawfully present in the United States is a proposed occupant of the dwelling unit or units, and no inspection shall be performed. When an alien is a proposed occupant, the Building Commissioner shall verify with the federal government whether the~~

07CC-1420

EXHIBIT A
TEMPORARY RESTRAINING
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~~alien is lawfully present in the United States, pursuant to 8 USC § 1373(c). The Building Commissioner shall make no independent judgment of the legal status of any alien. If the unit contains no proposed occupant who is an alien unlawfully present in the United States, [A]n inspection shall be performed under the provisions of this article and, if compliance with this section is made, an occupancy permit shall be granted to the owner or his agent setting forth the occupants' names, relationships, and number of occupants allowable at the premises.~~

(b) It shall be unlawful for any owner, agent or manager of a dwelling unit or units to knowingly make any false statements in the application for occupancy as to the names, ages, ~~citizenship~~, relationships, identification or number of occupants who will occupy the premises.

(c) This section shall only apply prospectively, to occupancies commencing after the effective date of this ordinance.

~~(d) If the federal government notifies the City of Valley Park that it is unable to verify whether a proposed occupant who is an alien is lawfully present in the United States, the City of Valley Park shall not deny the occupancy permit on that basis, and an inspection shall be performed.~~

~~(e)[d] Any owner of real property containing a dwelling unit who is denied an occupancy permit, or any proposed occupant who is unable to lease a dwelling unit because the City of Valley Park has denied an occupancy permit concerning the occupant, may challenge the denial of the occupancy permit before the Board of Adjustment of the City of Valley Park, Missouri, subject to the right of appeal to the St. Louis County Circuit Court. The determination of whether an alien is lawfully present in the United States shall only be made by the federal government. The Board of Adjustment may take judicial notice of any verification of the individual's status previously provided by the federal government and may request the federal government to provide automated or testimonial verification pursuant to 8 USC § 1373(c).~~