

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS

STATE OF MISSOURI

STEPHANIE REYNOLDS, et. al.,)	
)	
Plaintiffs,)	Cause No. 07CC-1420
)	
v.)	Division 31
)	
CITY OF VALLEY PARK,)	
MISSOURI, et al.,)	
)	
Defendants.)	

**MOTION OF DEFENDANTS TO DISMISS
PLAINTIFF'S PETITION FOR DECLARATORY RELIEF AND
TEMPORARY, PRELIMINARY, AND PERMANENT INJUNCTION**


COME NOW Defendants City of Valley Park, Missouri, and for their motion state as follows:

1. That on July 16, 2007, the City of Valley Park, Missouri passed and approved Ordinance 1735, which became effective on that date.

2. That Ordinance 1735 amended Ordinance 1721 (as amended) by deleting all of the controversial provisions pertaining to citizenship, illegal immigration, and aliens. A certified copy of Ordinance 1735 is attached hereto as Exhibit A.

3. That from the effective date of Ordinance 1735, July 16, 2007, all matters before this Court are now mooted, and there remain no issues for this Court to enter a Judgment of Declaratory Relief as there is no longer a case or controversy or justicible issue before the Court. C.C. Dillon v. City of Eureka, 12 S.W.3d 322 (Mo. 2000). See also Automobile Club of Missouri v. City of St. Louis, 334 S.W.2d 355 (Mo. 1960).

WHEREFORE, premises considered, Defendants pray this Court order
Plaintiff's Petition dismissed.



ERIC M. MARTIN, MBEN 27466
109 Chesterfield Business Parkway
Chesterfield, MO 63005-1233
636-530-1515
636-530-1556 (FAX)
emartin772@aol.com

Attorney for Defendant City of
Valley Park, Missouri

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed, first-class postage
prepaid, this 19th day of July, 2007, to:

Linda Martinez, Kathy A. Wisniewski
Elizabeth Ferrick, Rhiana Sharp
Bryan Cave LLP
One Metropolitan Square
St. Louis, MO 63102

John J. Ammann
Susan McGraugh
Saint Louis University Legal Clinic
321 North Spring
St. Louis, MO 63108

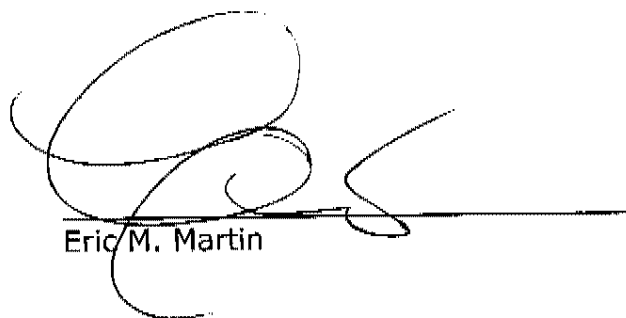
Karen Tokarz
Margo Schlanger
Washington University School of Law,
Civil Rights & Community Justice Clinic
One Brookings Drive, CB 1120
St. Louis, MO 63130

Marie A. Kenyon
Catholic Legal Assistance Ministry
321 N. Spring Avenue
St. Louis, MO 63108

Jesus Ituarte
Ituarte and Schulte LLC
2200 Pestalozzi Street
St. Louis, MO 63118

Anthony B. Ramirez
Anthony B. Ramirez, P.C.
1015 Locust Street, Suite 735
St. Louis, MO 63101

Alan J. Baker
Attorney at Law
1620 S. Hanley
St. Louis, MO 63144



Eric M. Martin

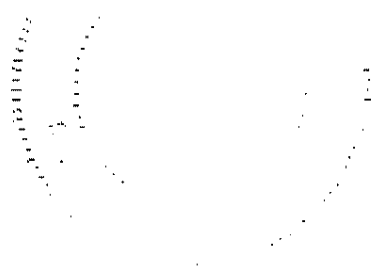
EXHIBIT A

STATE OF MISSOURI)))
ST. LOUIS COUNTY)))

I, Marguerite Wilburn, City Clerk within and for the City of Valley Park, St. Louis County, Missouri, do hereby certify that the foregoing constitutes a full, true, and complete copy of **Ordinance 1735** passed by the Board of Aldermen on the 16th day of July 2007 and approved by the Mayor on the 16th day of July 2007 as fully as the same appears of record in my office in the Book of Ordinances of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the seal of the City of Valley Park, Missouri, at my office in said City, this 19th day of July 2007.

Marguerite Wilburn
Marguerite Wilburn, City Clerk



BILL NO. 1884

ORDINANCE NO. 1735

**AN ORDINANCE AMENDING SECTION 510.020,
SUBSECTION 103.6.1 (ORDINANCE 1721, AS AMENDED),
BY DELETING CERTAIN PROVISIONS
PERTAINING TO CITIZENSHIP AND ILLEGAL ALIENS
CONTAINED WITHIN THE VALLEY PARK
PROPERTY MAINTENANCE CODE**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
VALLEY PARK, MISSOURI, as follows:

Section One

Section 510.020, Subsection 103.6.1 (Ordinance 1721, as amended),
is hereby amended by deleting provisions as follow in **bold** and adding
letters, numbers, or language in [brackets]:

(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 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 1722, 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 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, an [An] 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.

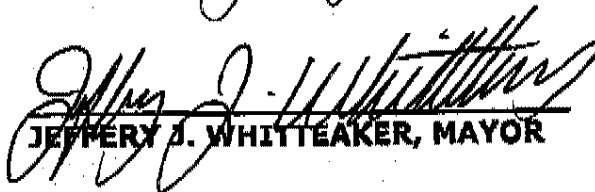
(d) If the federal government notifies the City of Valley Park that it is unable to verify whether a proposed occupant who is an alien is lawfully present in the United States, the City of Valley Park shall not deny the occupancy permit on that basis, and an inspection shall be performed.

[[c]](e) Any owner [or agent] 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.

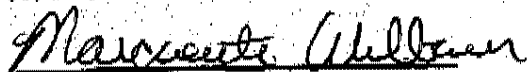
Section Two

This Ordinance shall become effective from and after its passage and upon approval by the Mayor.

PASSED AND APPROVED THIS 16th DAY OF July, 2007.


JEFFERY J. WHITEAKER, MAYOR

ATTEST:


MARGUERITE WILBURN
City Clerk