OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION ONE

CITY OF ST. PETERS,	)	No. ED110353
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	2111-MU00224
	)	
COLLENE VELMA LIENEMANN,	)	Honorable Rebeca M. Navarro-McKelvey
	)	
Respondent.	)	FILED: October 25, 2022

The City of St. Peters (the City) appeals from the decision of the trial court dismissing citations against Collene Velma Lienemann (Lienemann) for 31 violations of the City's municipal ordinances governing property maintenance and nuisances.

REVERSED AND REMANDED.

Division One Holds: The parties do not dispute the underlying facts. Between December 2020 and June 2021, the City issued 31 citations to Lienemann for violations of the Code relating to property maintenance and weeds on a parcel of land (the Property). The Property is owned by two family limited partnerships, the general partner of which is a limited liability company (the LLC). Lienemann is the registered agent for each family partnership and is the sole member of the LLC. The parties' sole dispute is whether these facts are sufficient to cause Lienemann to be cited for violations on the Property under the City's property maintenance and nuisance ordinances.

In Lienemann's motion to dismiss the citations against her, which the trial court granted, she argued that, because she was not the owner or resident of the Property, she was not the proper party to be cited and could not be held liable for the relevant ordinance violations.

The trial court erred in dismissing the citations against Lienemann at this early stage in the proceedings because there was insufficient evidence regarding Lienemann's level of responsibility for the Property. Under the applicable ordinance provisions, Lienemann could be liable for property maintenance and nuisance violations depending on her level of "control" or "responsibility" for the Property and the violations thereon. Because answering the question of Lienemann's possible liability—and therefore her capability to be cited for the violations—demands further factual inquiry, it was improper for the trial court to grant Lienemann's motion to dismiss the citations against her.

Opinion by: Sherri B. Sullivan, J.
Angela T. Quigless, P.J., and Robert M. Clayton III, J., concur.

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Attorney for Respondent: Peter H. Love

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.