

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ST. LOUIS ASSOCIATION)	No. ED103385
OF REALTORS,)	
)	
Respondent,)	Appeal from the Circuit Court of
)	St. Louis County, Missouri
vs.)	2107CC-03604
)	
CITY OF FERGUSON,)	Honorable Mary Elizabeth Ott
)	
Appellant.)	Filed: September 27, 2016

The St. Louis Association of Realtors filed a petition for declaratory judgment challenging an ordinance enacted by the City of Ferguson that purported to regulate the business of renting residential property. The trial court found that Ferguson lacked the authority to enact the ordinance because the business of renting residential property was not mentioned in section 94.110 (RSMo 2000), the Missouri statute that empowers third class cities to impose and collect license taxes on certain businesses.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: We find that because Ferguson is a constitutional charter city, it is not limited to passing ordinances regulating only the types of businesses set forth in section 94.110, and therefore, we reverse and remand for further proceedings consistent with this opinion.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur.

Attorney for Appellant: Stephanie E. Karr

Attorney for Respondent: Stephen C. Murphy

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.