

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

CITY OF FRONTENAC,)
MISSOURI)
)
Plaintiff,)
vs.)
)
JAMES EDMONDS)
)
16 Bridle Lane,)
Frontenac,)
Missouri, 63131)
<u>Hold for Service</u>)
)
Defendant.)

Case No.:
Division:

PETITION
FOR PRELIMINARY AND PERMANENT MANDATORY INJUNCTIVE RELIEF

COMES NOW, Plaintiff City of Frontenac, Missouri (“City”), by and through counsel, and for its Petition for Preliminary and Permanent Mandatory Injunctive Relief states as follows:

1. City is a duly incorporated Fourth Class City located in St. Louis County, Missouri.
2. Defendant James (“Jimmy”) Edmonds is an individual whom, upon information and belief, owns real property in St. Louis County, Missouri.
3. This case concerns real property located at 16 Bridle Lane, Frontenac, Missouri (“the Property”), which is located within the City’s corporate boundaries and within St. Louis County, Missouri.
4. Mr. Edmonds is the owner of the Property.
5. In approximately September of 2016, Mr. Edmonds acquired the Property with the intention of constructing (or causing to be constructed) a single family residence.

6. Construction of the residence on the Property commenced thereafter, and plans for construction of a swimming pool were approved by the City as required by law on September 23, 2019.

7. The approved swimming pool plans included a “48” TALL BLACK ALLUMINUM (sic) FENCING,” which was to surround the swimming pool area in order to comply with the requirements of the applicable public safety codes.

8. A permit for the installation of the swimming pool and the required fencing was issued by the City on October 15, 2019. That permit required that all permitted construction be completed by April 15, 2020.

9. Construction of the pool itself has been completed (or substantially completed) but no final inspection or approval has occurred as required by law because Mr. Edmonds has failed to install the safety fence as required.

10. Pursuant to Section 500.025 of the City’s Municipal Code, the City has adopted the 2015 International Swimming Pool and Spa Code (“Swimming Pool Safety Code”), as amended by Section 500.026 of the City’s Municipal Code.

11. Section 305.2 of the Swimming Pool Safety Code, as adopted by the City, provides that “Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.”

12. As set forth herein, Mr. Edmonds has failed to cause the installation of the approved fence, or otherwise secure the pool area in the manner required by Section 305.2 of the Swimming Pool Safety Code.

13. Mr. Edmonds, after repeated requests from the City, has installed a temporary panel fence, with individually moveable panels that are not secured to the ground. The fence

does not comply with the requirements of Section 305.2 of the Swimming Pool Safety Code, and fails to provide adequate life safety protection.

14. Mr. Edmonds' failure to install a fence, or otherwise secure the pool, in compliance with Section 305.2 of the Swimming Pool Safety Code, renders the property dangerous, causing an unreasonable risk of to the health and safety of residents, visitors and members of the public who may be on the property from time to time.

15. Despite repeated demands for Mr. Edmonds to complete the required and approved fence he has failed to do so.

16. On October 5, 2020, the City formally demanded that Mr. Edmonds complete the swimming pool, including the required fence installation, by October 26, 2020, so that the City could complete the inspection and approval process required by law.

17. When Mr. Edmonds failed to comply with the October 5, 2020, demand, he was issued a citation and a summons to appear in municipal court with respect to his failure to complete the pool and fence installation.

18. Despite: (1) failing to complete the fence; (2) failing to have a final inspection; and (3) being charged in municipal court, Mr. Edmonds recently chose to fill the swimming pool with water, exacerbating the dangerous condition of the Property.

19. As of the date hereof, despite repeated demands, Mr. Edmonds has failed to abate the dangerous condition of the Property, after being provided ample opportunity to do so.

20. The City has no adequate remedy at law that would serve to remedy the present public safety concern caused by Mr. Edmonds in that the Frontenac Municipal Division lacks jurisdiction to compel a recalcitrant property owner, such as Mr. Edmonds, to undertake specific actions to abate the dangerous condition that exists on the Property.

WHEREFORE, the City respectfully requests that this Court issue its Judgment finding in favor of the City and issuing a preliminary injunction ordering Mr. Edmonds to: (1) drain the swimming pool or install a lockable pool cover; and (2) properly secure the temporary fence such that it satisfies the barrier requirements of the Swimming Pool Safety Code; and, thereafter, following a hearing on the merits issue a permanent injunction ordering Mr. Edmonds to: (1) install a permanent, code-compliant fence, consistent with plans approved by the City; and (2) complete the approved plans for the swimming pool area, and allow the City to perform a final inspection. The City further respectfully requests that the Court award to the City its reasonable attorneys' fees and costs, and such further relief as this Court deems just and proper under the premises.

Respectfully submitted,

CURTIS, HEINZ, GARRETT & O'KEEFE



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