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Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at [jfrazier@claytonmo.gov](mailto:jfrazier@claytonmo.gov). All comments received will be distributed to the entire Board before the meeting.

**City of Clayton  
Board of Aldermen Meeting  
Friday, April 19, 2024  
Clayton City Hall – Council Chambers  
10 N. Bemiston Avenue  
3:00 p.m.**

**AGENDA**

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1. Discussion on tenant bill of rights.
2. Discussion on gas-powered leaf blowers.

The Board of Aldermen may also hold a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., and/or proprietary information pursuant to Section 610.021(15)

*Agenda topics may be added or deleted at any time prior to the Board of Aldermen meeting without further notice. To inquire about the status of agenda topics, call 290.8469. Individuals who require an accommodation (i.e., sign language, interpreter, listening devices, etc.) to participate in the meeting should contact the City Clerk at 290.8469 or Relay Missouri at 1.800.735.2966 (TDD) at least two working days prior to the meeting.*

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## RESOLUTION

### A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI ESTABLISHING A TENANTS BILL OF RIGHTS IN THE CITY OF CLAYTON, MISSOURI.

WHEREAS, tenants in Clayton, as in many other communities, face discrimination in the rental market on the basis of race, color, national origin, religion, sex, familial status, disability, gender identity, sexual orientation, source of income, and much more, and these factors limit tenants' ability to access and keep safe and truly affordable housing; and

WHEREAS, the costs of housing place an undue burden on our City's most vulnerable tenants; and

WHEREAS, mold, lack of heat, inadequate ventilation, infestations, and lead are just some threats to tenants' health in substandard housing, often exacerbating chronic illnesses such as asthma and lung disease; and

WHEREAS, the Board of Aldermen believes that every person should have safe, accessible, affordable home, and affirms, in partnership with grassroots tenant leadership and housing providers, its active commitment to tenant and housing provider rights now and in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby establishes the Tenants Bill of Rights to read as follows:

#### I. RIGHT TO SAFE HOUSING

1. All residential rental property units must meet minimum health and safety standards as set out in the Property Maintenance Code, including but not limited to ventilation, sanitation facilities, heating facilities, fire safety, and other code-required equipment.

(Municipal Code Section 500.040; International Property Maintenance Code (2015 ed.) Section 101.2)

2. All residential rental property units must also maintain working amenities, including but not limited to water heating facilities, heating facilities, water and sewer lines, plumbing and electrical fixtures, lighted common halls and stairways, and, if provided, cooking equipment.

(Municipal Code Section 500.040; International Property Maintenance Code (2015 ed.) Section 101.3)

#### II. FREEDOM FROM DISCRIMINATION AND RETALIATION

1. Federal law prohibits discrimination in rental of housing because of race, color, national origin, religion, sex, familial status, or disability.

(Federal Fair Housing Act)

2. No person can refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any

person because of race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability or familial status.

(Municipal Code Section 225.030 (A)(1))

3. No person can discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability, lawful source of income or familial status.

(Municipal Code Section 225.030 (A)(2))

4. No person can make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability, lawful source of income or familial status, or an intention to make any such preference, limitation or discrimination.

(Municipal Code Section 225.030 (A)(3))

5. No person can represent to any person because of race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability, lawful source of income or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Municipal Code Section 225.030 (A)(4))

6. No person can induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability, lawful source of income or familial status.

(Municipal Code Section 225.030 (A)(5))

7. No person can discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
  - a. That buyer or renter;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
  - c. Any person associated with that buyer or renter.

(Municipal Code Section 225.030 (A)(6))

8. No person can discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
  - a. That person;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

c. Any person associated with that person.

(Municipal Code Section 225.030 (A)(1))

9. Discrimination also includes the following:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.

b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.

c. All premises within such dwellings contain the following features of adaptive design:

(1) An accessible route into and through the dwelling;

(2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

(3) Reinforcements in bathroom walls to allow later installation of grab bars; and

(4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

4. As used above, the term "covered multi-family dwelling" means:

a. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

b. Ground floor units in other buildings consisting of four (4) or more units.

(Municipal Code Section 225.030 (B) & (C))

10. It shall be an unlawful discriminatory practice:

a. To aid, abet, incite, compel or coerce the commission of acts prohibited in the Municipal Code or to attempt to do so;

b. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by the Municipal Code or because such person has filed a

complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Municipal Code;

c. For the City to discriminate on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, ancestry, age, as it relates to employment, disability, lawful source of income or familial status as it relates to housing; or

d. To discriminate in any manner against any other person because of such person's association with any person protected by the Municipal Code.

(Municipal Code Section 225.070)

### III. RIGHT TO FAIR COMPENSATION AND RESTORATIVE JUSTICE

1. No person can enter another person's residence by force, with weapons, through threats, by taking away property, or by breaking open doors or windows, regardless of if anyone is inside or not. A landlord cannot evict or remove someone from the premises by force or threat. Those found guilty of doing so must pay double the sum of the damages to the person whose home they entered.

(Sections 534.020 & 534.330, RSMo.)

2. If a landlord wrongfully withholds all or any portion of a security deposit, the tenant may recover twice the amount wrongfully withheld.

(Section 535.300, RSMo.)

3. If there is a condition in a property that detrimentally affects its habitability, sanitation, or security, violates a municipal housing or building code, and was not caused by the tenant, the tenant may be able to deduct repair costs from their rent. If the tenant has lived in the rental property for six consecutive months, paid all rent and charges without any lease or house rule violations, and the landlord fails to correct or provide a written statement disputing the necessity of the repair within fourteen days, the tenant may submit an itemized statement with receipts to the landlord and repair the condition. The cost of this repair can be deducted from no more than a month's rent, but up to either three hundred dollars or half the rent, whichever is more.

(Section 441.234 RSMo.)

Section 2. The Board of Aldermen supports the creation of legislation on the federal, state and local level that is necessary to establish the following rights:

#### I. RIGHT TO SAFE, HEALTHY, ACCESSIBLE, AND TRULY AFFORDABLE HOUSING

1. Safe, healthy, accessible, and truly affordable housing includes mandatory disclosure from the landlord of past issues in rental units to prospective Tenants.
2. Tenants have the right to disclosure of an estimate of common space utilities charged to the tenant.
3. Tenants have the right to housing that can be heated to a habitable temperature.

#### II. RIGHT TO PRIVACY AND SELF-DETERMINATION

1. The right to privacy and self-determination includes protecting the personal security of tenants, including the right to notice for landlord entry. Landlords may be refused entry to rental units if they do not give proper notice.
2. Tenants have the right to respectful communication with their landlord, and these communications must be transparent, timely, and from the property owner or manager.

III. RIGHT TO JUSTICE AND ACCESS TO FAIR, EQUITABLE TREATMENT UNDER THE LAW

1. The right to justice and access to fair, equitable treatment under the law means fair treatment regardless of ability to pay.
2. Tenants have freedom from unjust and unlawful evictions, and landlords may only evict according to state law.
3. Tenants have the freedom to accessible knowledge and education of their rights as renters. A Tenant Bill of Rights document must be available to tenants at the start of tenancy.



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## DISCUSSION ITEM

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**TO:** MAYOR; BOARD OF ALDERMEN  
**FROM:** DAVID GIPSON, CITY MANAGER  
**DATE:** APRIL 19, 2024  
**SUBJECT:** LEAF BLOWERS & GAS-POWERED LAWN EQUIPMENT

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The operation of gas-powered leaf blowers continues to be a topic of community discussion, with some residents citing the noise and fumes they produce as reasons for concern. While the City of Clayton currently permits the use of gas-powered lawn equipment (including leaf blowers), their usage is time restricted as follows:

The use of motor-driven outdoor maintenance equipment including lawnmowers, trimmers, chain saws, leaf blowers and like devices prior to 7:00 A.M. and after 8:00 P.M. weekdays and prior to 9:00 A.M. and after 5:00 P.M. Saturdays, Sundays and holidays is prohibited; provided, however, that this provision shall not apply to: (a) the use of snowblowers immediately after a snowstorm or chain saws immediately after a storm that causes tree limbs to fall, and (b) the use of motor-driven outdoor maintenance equipment by an owner or occupant of the premises where used between the hours of 7:00 A.M. and 9:00 A.M. on Saturdays and between the hours of 5:00 P.M. and 8:00 P.M. on Saturdays, Sundays and holidays.

While no local municipalities have banned gas-powered equipment, cities in other parts of the country have put more significant restrictions in place. These restrictions include:

- Immediate and complete prohibition.
- Prohibition of use outside of limited windows of time in the spring and fall.
- Phased prohibition. An example would be Portland, OR, which recently passed an ordinance prohibiting the use of gas-powered leaf blowers in 2026, except during the fall and winter. In 2028, gas blowers will be banned completely.

Opponents to this type of legislation often cite the financial burden on landscaping contractors that would be required to re-tool with electric-powered equipment, and the inability of residents to operate expensive gas-powered equipment they have purchased for personal use.