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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, July 19, 2024  
Clayton City Hall – Council Chambers  
10 N. Bemiston Avenue  
3:00 p.m.**

**AGENDA**

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**EXECUTIVE SESSION**

1. Legal (pursuant to Sections 610.021(1), (2) RSMO)

*Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons 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., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.*

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**STRATEGIC DISCUSSION SESSION**

1. Discussion on vacant storefront window paper.
2. Tenant Bill of Rights review.
3. Gas-powered lawn equipment ordinance review.

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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**Vacant Storefront Displays**  
**BOA Discussion**  
**Friday July 19, 2024**

There have been concerns expressed by property owners and residents about the condition of vacant storefronts in Clayton. Staff is providing the following information to begin a discussion with the Board of Aldermen about window displays for vacant storefronts.

**Current Ordinance**

Chapter 425. Sign Regulations  
Section 425.100. Vacant Ground Floor.  
[Ord. No. 6794, 1-10-2023]

The windows in all ground level vacant spaces must be covered in a workmanlike manner with white butcher paper or a window covering provided by the City of Clayton. A temporary sign either advertising the space or announcing a future tenant may be displayed, provided it follows the provisions governing that type of signage.

**City Window Covering** (*see attached*)

In 2012 the City amended Section 425.100 to add the optional use of City provided window coverings for use on vacant storefronts. The City window covering was provided using a single design on standard paper in only one height sized option. The cost of the paper was approximately \$3,250. The program proved to be both time-consuming and not a solution for long-term use and therefore was discontinued.

**Examples from Other Communities**

**Miami Beach, Florida** (*see attached*)

The City of Miami Beach requires window coverings for vacant storefronts; but offers property owners three choices. They may cover the windows using plain materials, designs provided by the City, or individual designs approved by their design review board. The City provided designs are on commercial grade materials specifically made for window covering. In addition, the City provided designs are free to property owners and even include installation by a City contractor.

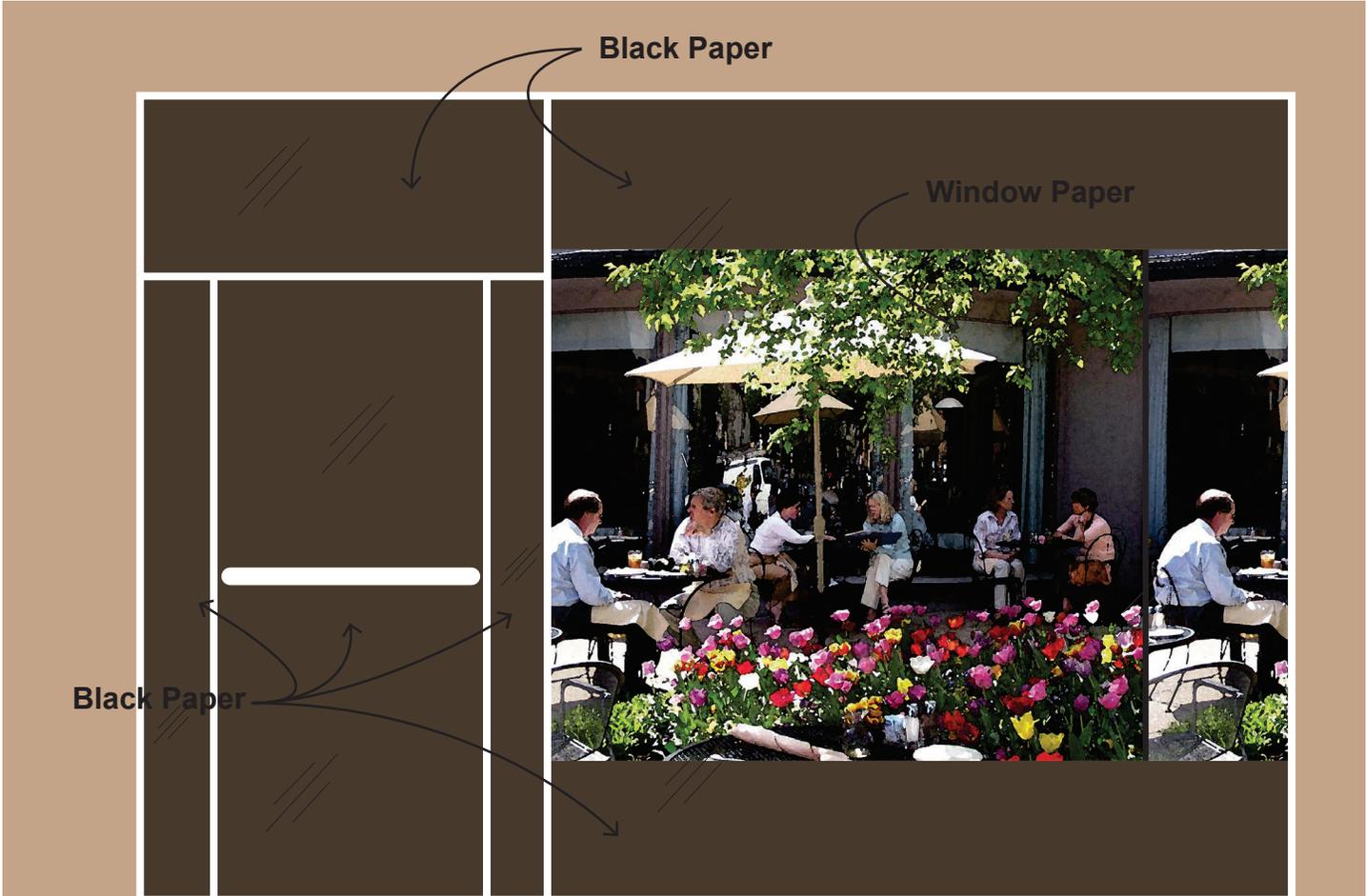
**Evanston, Illinois** (*see attached*)

The City of Evanston amended their sign regulations during the COVID Pandemic to address vacant ground floor commercial space. Their new ordinance requires the options of use of commercial grade long-lasting materials, displays of local artists or displays of merchandise from nearby retailers. The City of Evanston does not provide any of the window coverings; but does retain approval of displays.

# Window Covering

Not all storefronts are the same but the image below displays the general idea for use of the window covering paper.

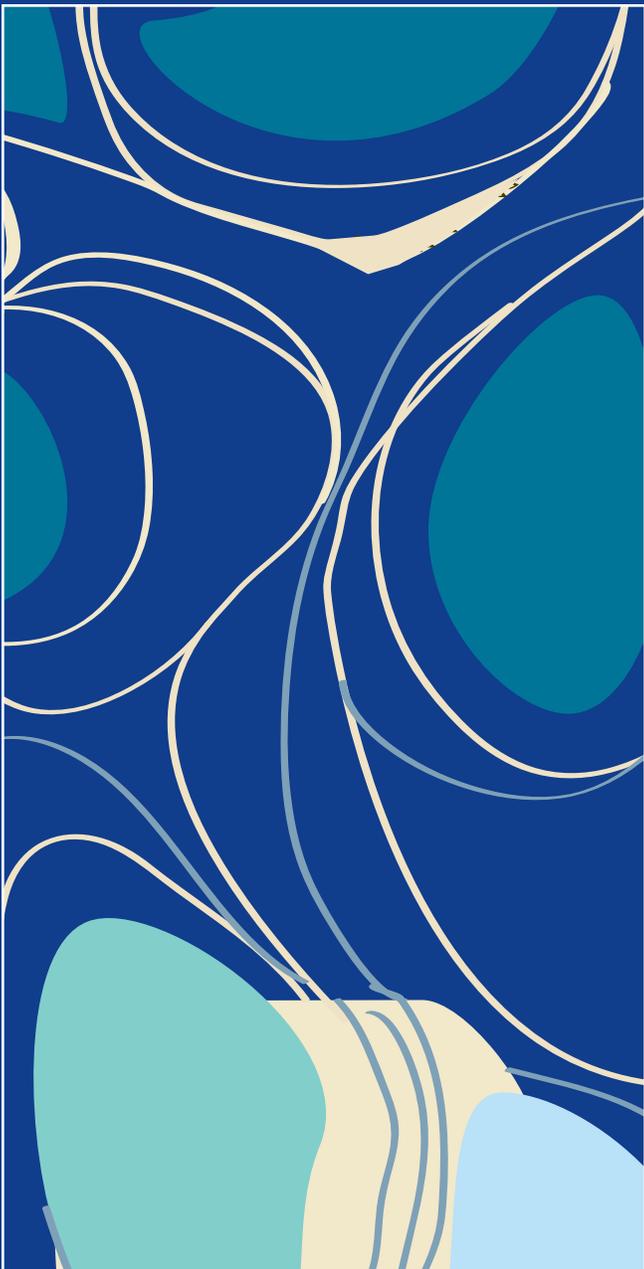
If you have questions or need more paper contact Gary Carter at 314-290-8467.



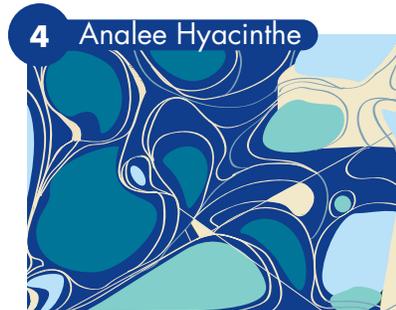
## Example Completed Window



# VACANT STOREFRONT COVER PROGRAM



## PRE-APPROVED STOREFRONT COVER DESIGNS



## PROGRAM OVERVIEW & PURPOSE

The purpose of the Vacant Storefront Cover Program (“the Program”) is to improve the appearance of vacant street-level commercial buildings located throughout the City of Miami Beach and to support the development of retail uses within the City. This initiative allows property owners to cover their vacant storefronts with pre-approved artistic designs already permitted by the City. The Program works to beautify vacant storefront windows and doors to promote available or underutilized tenant spaces. Through this voluntary, no-cost Program, pre-approved designs can be temporarily displayed in storefront windows to help revitalize empty spaces.

## BENEFITS

- Improve property’s appearance and curb appeal
- Deter vandalism, graffiti, and illegal dumping
- Attract prospective tenants and increase property value
- Activate the street and encourage placemaking and public safety
- Maintain community integrity and promote accessibility

## ELIGIBILITY REQUIREMENTS

This Program applies to commercial tenant spaces with storefront windows located on the ground level that are visible and accessible from the public right-of-way.

## APPLICATION AND INSTALLATION PROCESS

1. Property owner or authorized representative submits completed application form, storefront photo and waiver to City.
2. City submits request to pre-approved installation vendor.
3. Installation vendor contacts property owner/authorized representative to schedule a visit to the property to take measurements.
4. Installation vendor produces mock-up/rendering of storefront cover design.
5. Property owner and City approve rendering (proof).
6. Installation vendor coordinates with property owner to install the storefront cover.
7. Installation vendor submits invoice to City.
8. City approves the invoice from the installation vendor and processes payment.

## FREQUENTLY ASKED QUESTIONS

**1) Does the City Code require storefront covers for vacant commercial properties?**

Yes. Per Section 138-140 of the City of Miami Beach Code of Ordinances, if a vacant commercial property is vacant for more than 15 days all glass surfaces visible to the public shall be kept clean and the interior of such vacant store shall be screened from public view until the property is occupied.

**2) Can the property owner use their own design for a storefront cover?**

Yes, but not through the Program. Property owners may use their own designs which must be approved by the Design Review Board and subsequently permitted.

**3) Is a property owner participating in the Program required to receive Design Review Board approval and a permit?**

No. The Program uses pre-approved designs that have already been approved by the Design Review Board and permitted by the City of Miami Beach.

**4) Can more than one City of Miami Beach pre-approved design be selected for a single property/space?**

No. Only one pre-approved design may be selected per property/space.

**5) Is payment required to participate in the Program?**

No. All expenses are paid by the City of Miami Beach while funding is available. Unless additional funding is identified, this Program will be available until funds have been exhausted.

**6) How often may a property owner participate in the Program?**

Property owners may participate in the Program once per fiscal year, per unique property/space. A property owner may submit two separate applications in the same fiscal year for two different properties.

**7) Does the City have a pre-approved installation vendor/contractor?**

Yes. The City of Miami Beach utilizes a pre-approved vendor/contractor to install storefront covers as part of the Program.

**8) Does the Program apply to vacant storefronts above the ground floor?**

No. The Program only applies to street-level vacant storefronts on the ground floor.

**9) How long does the process take?**

Although installation time may vary depending on the size of the storefront, covers are typically installed within 7 days after the City has approved an invoice from the pre-approved installation vendor.

**10) Will the City remove the covers when a tenant moves in?**

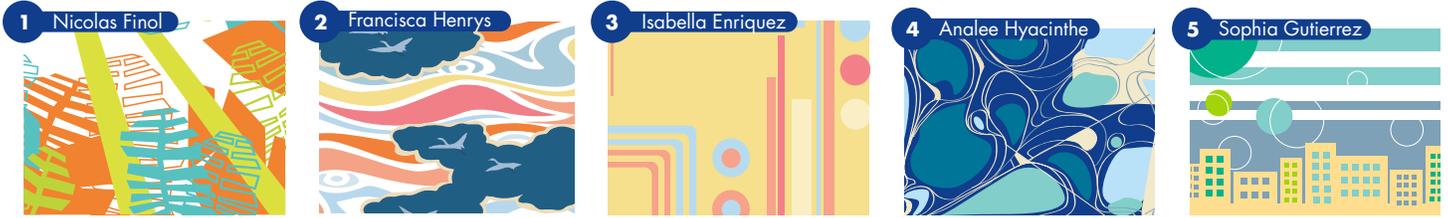
No. After installation by the City of Miami Beach, the property owner is responsible for removal of the storefront cover at the sole expense of the property owner.

**11) If the City no longer has funding for the program or the property owner prefers to use a different installation vendor, can the City's pre-approved designs be used?**

Yes. City of Miami Beach pre-approved designs may be requested by a property owner for use as a storefront cover design only. Once the City's funds are exhausted or if the property owner prefers another installation vendor, the pre-approved designs will be available by request. The City can provide a high-resolution file of the storefront cover design to the property owner who can then contract directly with another installation vendor (or the City's installation vendor). It is recommended that the installation be done by a professional to ensure proper alignment and compliance with the City's Code.

# VACANT STOREFRONT COVER PROGRAM APPLICATION

## PRE-APPROVED STOREFRONT COVER DESIGNS



This Form and Waiver are required from all vacant storefront property owners who wish to participate in the City of Miami Beach Vacant Storefront Cover Program. Please fill in all information & attach photo per instructions below. Incomplete application forms may delay the approval process.

**PLEASE CAREFULLY REVIEW YOUR SPELLING & DESIGN CHOICE.** Production will begin once your design request is approved. Storefront sizes will be examined and may be rejected due to large size. We are not responsible for errors on approved proofs. ALL ORDERS ARE FINAL.

### THE CITY OFFERS FIVE (5) PRE-APPROVED STOREFRONT COVER DESIGNS:

1. Choose the design you want for your storefront by selecting a design.

1 [ ] 2 [ ] 3 [ ] 4 [ ] 5 [ ]

2. STOREFRONT ADDRESS: \_\_\_\_\_

3. DATE OF INITIAL VACANCY: \_\_\_\_\_

4. PROPERTY OWNER or AUTHORIZED REPRESENTATIVE INFORMATION:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

5. REAL ESTATE BROKER INFORMATION:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

6. Complete the Waiver & Release on the following page.

7. Submit the following to MBbiz@miamibeachfl.gov:

- A. Application Form,
- B. Waiver; and
- C. Current picture of the storefront

8. Save a copy of your completed Application Form and Waiver for your records!

# VACANT STOREFRONT COVER PROGRAM APPLICATION

## WAIVER AND RELEASE VACANT STOREFRONT COVER PROGRAM INSTALLATION

**Property Address:** \_\_\_\_\_

**Owner/Authorized Representative:** \_\_\_\_\_

This Waiver and Release is executed by and on behalf of the individual signing below, hereinafter referred to as "Participant." The Participant is the owner and/or authorized representative of the property located in the City of Miami Beach ("City") at the address indicated above. The Participant is duly authorized to execute this document on behalf of the Property and its legal owner, as applicable.

The Participant hereby grants permission to the City, and its respective successors, assigns, members, officers, employees, agents, and contractors (all herein collectively referred to as "Releasees"), to enter upon the Property for the **purpose of installing** artistic window coverings and other activities related to vacant storefront covers.

Participant, on behalf of himself or herself, his or her personal representative, heirs, next-of-kin, successors, and assigns (all hereinafter collectively referred to as "Participant"), hereby knowingly and voluntarily agrees to hold harmless the Releasees from any and all known and unknown claims, actions, demands, or damages, including, but not limited to, accidents, injury, death, or damages to person or property, including claims based on negligence, that may arise or result from the installation of the storefront covers.

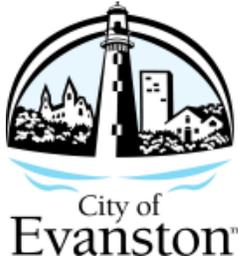
Participant further acknowledges that by agreeing to the installation, Participant consents to Releasees, in their sole discretion, to make and publish photographs and recordings of the Property as pertains to the Property's vacant storefront covers, and all such media shall be the sole property of the City.

This Release contains the entire agreement between the parties hereto and the terms of this Release are contractual and not a mere recital.

**PARTICIPANT FURTHER AFFIRMS THAT HE/SHE HAS CAREFULLY READ THIS AGREEMENT AND UNDERSTANDS ITS CONTENTS AND MEANING AND EXECUTES THIS RELEASE AS HIS/HER OWN FREE AND VOLUNTARY ACT.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of Administration and Public Works Committee  
From: Katheryn Boden, Economic Development Specialist  
CC: Erika Storlie, City Manager; Paul Zalmezak, Economic Development Manager  
Subject: Ordinance 8-O-21, Amending Chapter 10, Section 4, Chapter 13 to add "Storefront Maintenance and Window Covering during Vacancy or Renovation"  
Date: January 25, 2021

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Recommended Action:

Staff recommends adoption of Ordinance 8-O-21, Amending Chapter 10, Section 4, Chapter 13 to add "Storefront Maintenance and Window Covering during Vacancy or Renovation"

Council Action:

For Introduction

Summary:

As part of a comprehensive Economic Development strategy to aid post pandemic recovery and restructuring efforts, new design standards will be a necessary tool to help maintain a high quality built environment and attractive business districts. Evanston began seeing retail vacancies occur before the COVID-19 pandemic and this will likely continue in the short- and medium-term.

To address both the immediate and ongoing increase in storefront vacancies, staff recommends updating the City Code to incorporate design standards for vacant storefronts that includes approved materials for window treatments (e.g. plastic film, vinyl), encourages art or product displays, and prohibits the use of visible adhesive, paper, plywood, tarp, or soap to obscure windows. This ordinance would work to create some uniformity and prevent the City from looking "vacated."

The new ordinance would apply to any ground floor premise that permits an unobstructed public view into the interior from an adjacent street, sidewalk, or public right-of-way and is not being occupied by a regularly operating business. Minimum appearance and maintenance guidelines would be need to be followed, however, exhibits and displays from local artists or

not-for-profit organizations would be encouraged to provide a more active and attractive commercial environment for customers, business owners, and residents alike.

The appearance of these storefronts is important to maintaining the character of Evanston's commercial districts for both pedestrians and the existing businesses. Business districts are also home to many residents who deserve a high quality of place. Implementing provisions that require minimum appearance and maintenance guidelines and encouraging window displays (e.g. art exhibits) that enliven the streetscape in commercial shopping districts could promote activation of otherwise empty space, maintain pedestrian interest, and drive tenant attraction.

Legislative History:

The Economic Development Committee reviewed a list of COVID-19 recovery initiatives, including this recommendation as a discussion item at the December 2, 2020 meeting.

Attachments:

[8-O-21 Vacant Storefront Signs AR 1-14-21](#)

**8-O-21**

**AN ORDINANCE**

**Amending Chapter 10, Section 4, Chapter 13 to add “Storefront Maintenance and Window Covering during Vacancy or Renovation”**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: City Code 10-4, “Sign Regulations” of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**10-4-13. – STOREFRONT MAINTENANCE AND WINDOW COVERING DURING VACANCY OR RENOVATION.**

The definitions noted below apply only to this Chapter and supersede any conflicting definitions found elsewhere in other chapters of the City Code.

<u>GROUND FLOOR PREMISE.</u>	<u>Any space on the ground floor having frontage on a street, alley or outdoor pedestrian walkway.</u>
<u>STOREFRONT.</u>	<u>Any façade of a Ground Floor Premises having one or more Storefront Windows.</u>
<u>STOREFRONT WINDOW.</u>	<u>Any window of any Ground Floor Premises that permits an unobstructed public view into the interior of that Ground Floor Premises from any immediately adjacent street, sidewalk, or right-of-way.</u>
<u>VACANT.</u>	<u>The state of not being occupied by a regularly operating business from a Ground Floor Premise for a minimum of four days per week on a monthly basis. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment and furnishings will remain in the establishment and a date certain for</u>

	<u>reopening of the establishment is provided.</u>
<u>WINDOW SCREENING.</u>	<u>A display made of film, vinyl, polymath, canvas, or heavy duty paper that is placed in a window or window area of a Vacant Storefront.</u>

(A) Temporary treatment of storefront windows during vacancy or interior renovation.

1. Vacant; renovation. The storefront windows of any ground floor premise that is vacant or undergoing interior renovation shall be treated using one of the following methods within 15 business days after the date on which the space first becomes vacant, or for the total duration of the interior renovation.

a. Window screenings that fully cover not less than 80 percent of each Storefront Window of the Ground Floor Premises so as to obscure a direct public view of the Vacant interior of that Ground Floor Premises. Allowable materials for window screening must be of one color and come in one of the following forms:

1. Plastic film;
2. Vinyl;
3. Canvas;
4. Other such approved materials

b. Exhibits by a local not-for-profit arts or historical organization in the form of paintings, photos and sculptures may be displayed, painted or affixed on the glass in vacant storefront windows with permission of the property owner. A storefront window that displays an exhibit is permitted one informational sign up to two square feet in total sign area, identifying the name and contact information for each exhibit; and

c. A display of products, with a backdrop, which are sold by other businesses in a building, artwork, or an alternative window covering may be permitted if submitted to and approved by the City Manager or designee.

2. "Opening soon" announcement. No sooner than 30 days prior (or an alternative timeframe may be permitted if submitted to and approved by the Community Development Director or designee) to the opening of a new business, a temporary sign announcing the name of the new business may be displayed in one storefront window per facade. The sign shall not exceed ten square feet in sign area and may identify the name of the business in a graphic or text format.

3. "Now Open" announcement. For a period not to exceed 30 days after the opening of a new business, a temporary sign announcing the business opening may be

displayed in one storefront window per facade. The sign shall not exceed ten square feet in sign area and may identify the name of the business in a graphic or text format.

(B) Signage. A Real Estate Sign that complies with the 2'x3' Sign Area and Sign Height requirements of 4-10-6 (M) of this Code may be placed in a Storefront Window along with the Window Screening required pursuant to this Chapter.

(C) Minimum appearance requirements.

1. Visible adhesive or tape may not be used to affix any window display, decorative screening or signage to a storefront window;

2. Storefronts may not use paper, plywood or soap to obscure windows;

3. No plastic tarp of any kind may be used to block the windows; and

4. No window display or screening shall contain any matter, in writing or in a depiction, that, when considered as a whole, predominantly appeals to prurient interests.

(D) Minimum maintenance requirements.

1. All window screenings must be kept in good repair and shall not be torn, damaged or otherwise left in a state of disrepair;

2. Building exteriors must be maintained in accordance with the requirements of the city's property maintenance code; and

3. The door area and sidewalk immediately adjacent to the Storefront of the Premises shall be neat, clean, and free from dirt and debris.

(E) Responsibility for Compliance. Any person owning, leasing, maintaining, or in possession or control of any Vacant, Ground Floor Premises located within the City, or any Owner of the Lot upon which the Vacant, Ground Floor Premises is located, shall be responsible for adherence to the provisions of this Section.

(F) Penalty. Any person who violates any provision of this Chapter shall be fined an amount of \$150 first offense; \$400 second; \$750 third offense. Each day on or during which any person violates the provisions of this Chapter shall constitute a separate and distinct offense.

**SECTION 2:** City Code 10-4-13, "Nonconforming Signs" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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**4-10-~~1314~~. - NONCONFORMING SIGNS.**

- (A) *Legal Nonconforming Signs.* Any sign located within the City which does not conform with the provisions of this Chapter is eligible for characterization as a "legal nonconforming" sign and is permitted, providing it also meets the following requirements:
1. *Proper Permits.* The sign was erected or installed under authority of proper sign permits prior to the date of adoption of this Chapter, if one was required under applicable code or law; or
  2. *No Permit Required.* If no sign permit was required under applicable code or law for the sign in question and the sign was in all respects in compliance with applicable code or law on the date of adoption of this Chapter.
- (B) *Unlawful Nonconformance.* Any sign which does not conform with the provisions of this Chapter and is not eligible for characterization as a legal nonconforming sign is unlawful, and must be brought into compliance with this Chapter or shall be removed within thirty (30) days of the adoption of this Chapter, upon written notification of such unlawful nonconformance by the Sign Administrator.
- (C) *Loss of Status.* A sign loses its legal nonconforming status if one or more of the following occurs:
1. *Sign Altered.* The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Chapter than it was before alteration; provided, however, in the case of vehicular dealerships, the face of a freestanding sign may be modified without causing the sign to be nonconforming.
  2. *Message Changed.* The sign message or graphic display is changed in any way, except for normal maintenance or repair that does not increase the nonconformity; provided, however, that in the case of vehicular dealerships, the change of a sign to reflect new ownership does not cause the sign to be nonconforming.
  3. *Sign Relocated.* The sign is relocated either on the premises or to another location;
  4. *Sign Unsafe.* The sign fails to conform to the sections of this Chapter regarding maintenance and operation, and public safety standards;
  5. *Sign Damaged.* Damage occurs to a sign which requires repairs exceeding fifty percent (50%) of the replacement value of the sign;
  6. *Excessive Maintenance Costs.* Maintenance is required which will exceed fifty percent (50%) of the replacement value of the sign; or
  7. *New Occupancy Permit.* A change in use occurs which requires a new occupancy permit for the premises to which a legal nonconforming sign relates.

On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Chapter with a new permit secured, therefor, or shall be removed within thirty (30) days of that date.

- (D) *Continuing Obligation.* Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Chapter regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face or message in such a way which makes the sign more nonconforming.

**SECTION 3:** City Code 10-4-14, "Sign Review and Appeals" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~14~~15. - SIGN REVIEW AND APPEALS.**

The Design and Project Review Committee, as set forth in Title 4, Chapter ~~14~~15, "Design and Project Review (DAPR)," of the Evanston City Code, is vested with the following jurisdiction and authority:

- (A) *Sign Administrator Appeals.* The Design and Project Review Committee shall hear all appeals from any order, requirement, decision, determination, or interpretation of the Sign Administrator acting within the authority vested from this Chapter and make written findings and decisions for the disposition of such appeals.
- (B) *Sign Variations.* The Design and Project Review Committee shall hear all petitions for variations from the provisions of this Chapter, make written findings, and approve, modify, approve with conditions or deny such petitions for sign variations.
- (C) *Unified Business Center Signage.* The Design and Project Review Committee shall hear all requests for the establishment or amendment of comprehensive sign plans for unified business centers, make written findings, and approve, modify, approve with conditions or deny such requests.

**SECTION 4:** City Code 10-4-15, "Appeals" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~15~~15. - APPEALS.**

- (A) *Notification to Aggrieved Party.* It shall be the responsibility of the Sign Administrator to provide written notification to the aggrieved party of an action denying a permit. Said notice shall include the following:

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1. The date and specific reason for denial of the permit.
  2. All forms and procedures required for filing an appeal.
- (B) *Petition for Appeal.* An appeal may be taken to the Design and Project Review Committee by any person aggrieved by an order, requirement, decision, determination, or interpretation of the Sign Administrator acting with respect to the authority of this Chapter.
1. *Application Deadline.* An appeal shall be filed within forty-five (45) working days after notification of the alleged erroneous order, requirement, decision, determination, or interpretation.
  2. *Application Form.* An appeal shall be filed in writing with the Sign Administrator on a form supplied by him/her. It shall be accompanied by such documents and information as the Board may by rule require.
  3. *Filing Fee.* Each appeal to the Design and Project Review Committee shall be accompanied by a filing fee as established by ordinance. If the appeal is granted by the Design and Project Review Committee, the filing fee shall be refunded to the applicant.
- (C) *Transmittal of Record.* The Sign Administrator shall, at the time of filing an appeal, forthwith transmit to the Design and Project Review Committee all of the documents constituting the record upon which the action appealed from was taken.
- (D) *Effect of Appeal.* The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Sign Administrator certifies to the Design and Project Review Committee after the appeal has been filed that, by reason of the facts stated in the application, a stay would in the Sign Administrator's opinion cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.
- (E) *Action of the Board.* The Design and Project Review Committee shall hold a public hearing on an appeal within thirty (30) days of receipt of a completed written application.
1. *Hearing Notice.* Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
    - a. The sign shall be a minimum of twenty (20) inches by thirty (30) inches.
    - b. All capital lettering on the sign shall be a minimum of three (3) inches high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.
    - c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review Committee.

- d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
  - e. The sign shall be posted not less than seven (7) days before the hearing to which it refers. It shall be removed within five (5) days after the final decision of the Design and Project Review Committee on the petition.
2. *Required Attendance.* Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review Committee at which the appeal is to be heard.
  3. *Decision.* Within fifteen (15) working days of the close of the required public hearing of the appeal, the Design and Project Review Committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said appeal.
- (F) *Council Action.* Following receipt of the findings and decision of the Design and Project Review Committee the Planning and Development Committee of the City Council may choose to review the decision of the Design and Project Review Committee and on the basis of the record may affirm, modify or reverse the decision of the Design and Project Review Committee. If no motion to review a Design and Project Review Committee decision is made and adopted at the Planning and Development Committee meeting following the receipt of the findings and decision of the Design and Project Review Committee, that decision of the Design and Project Review Committee shall be final.
- (G) *Maintenance of Records.* The Sign Administrator shall maintain complete records of all findings and decisions of the Design and Project Review Committee and all determinations of the City Council relative to an appeal. All such records shall be open to the public for inspection.

**SECTION 5:** City Code 10-4-16, "Variations" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~16~~17. - VARIATIONS.**

It is the intent of this Section to permit variations from the requirements of this Chapter if necessary to achieve uniformity among signs similarly located and classified.

- (A) *Petition for Variation.* A petition for a variation from any provision(s) of this Chapter may be made by any person having a proprietary interest in the sign for which such variation is requested.
  1. *Petition Contents.* A petition for variation shall be filed in writing with the Sign Administrator on a form supplied by him/her and shall be accompanied by such documents and information as are necessary to clearly exhibit the practical difficulty for which the variation is necessary, including:

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- a. The name, address, and telephone number of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person responsible for erecting or affixing the sign.
  - b. A description of the requested variation.
  - c. Justification of the requested variation.
  - d. The location of the premises on which the sign is to be erected or affixed.
  - e. A site plan of the premises involved, showing accurate placement thereon of the proposed sign.
  - f. A blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
  - g. The written consent of the owner of the premises on which the sign is to be erected or affixed.
  - h. A fee, as determined by ordinance, to be paid at the time of filing of the petition for variation.
- (B) Action of the Design and Project Review Committee. The Design and Project Review Committee shall hold a public hearing on the petition for variation within thirty (30) days of receipt of a completed written application.
1. *Hearing Notice.* Notice shall be given of the time, place and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
    - a. The sign shall be a minimum of twenty (20) inches by thirty (30) inches.
    - b. All capital lettering on the sign shall be a minimum of three (3) inches high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.
    - c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review Committee.
    - d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
    - e. It shall be the responsibility of the petitioner to remove the sign(s) within five (5) days after the final decision of the Design and Project Review Committee on the petition.

2. *Required Attendance.* Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review Committee at which the variation is to be heard.
3. *Decision.* Within fifteen (15) working days of the close of the required public hearing on the variation, the Design and Project Review Committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said variation.

(C) Appeals from Decision of Design and Project Review Committee.

1. Decisions of the Design and Project Review Committee may be appealed to Planning and Development Committee by applicant.
2.
  - a. If the sign which is the subject of the variation is located in a residential Zoning District, a property owner whose property is within a two hundred fifty (250) foot radius from the property on which the sign is proposed to be located may appeal the Design and Project Review Committee's approval of the variation. Such an appeal may be filed only by a property owner who: 1) appeared in person or by an authorized representative at all public hearings at which the variation was considered and who presented his/her objections to the Design and Project Review Committee, or 2) who filed written objections with the Design and Project Review Committee to the variation.
  - b. The appeal must:
    - 1) Be filed with the Sign Administrator, within ten (10) calendar days from the date of the Design and Project Review Committee's written decision;
    - 2) Be in writing; and
    - 3) Specify with particularity the ground(s) for objection. The applicant is permitted to file a written response to any ground(s) asserted in the appeal but not raised before the Design and Project Review Committee.
  - c. Within five (5) working days of receiving the appeal, the Sign Administrator shall send a copy of the appeal to the applicant by first-class mail, return receipt requested. Any response the applicant files must be received by the Sign Administrator within ten (10) working days of the date the appeal was mailed to the applicant. The Sign Administrator will send a copy of any response to the appellant property owner.
  - d. After receiving the appeal and any response thereto, the Sign Administrator shall set the appeal for the next available regular Planning and Development Committee meeting and notify the applicant and appellant property owner in writing of the meeting date.

3. The Planning and Development Committee shall decide whether or not to hear the appeal, and if granted, set a hearing date for said appeal. A decision to not hear the appeal shall be in writing and shall be issued no later than the Committee's next regular meeting.
  4. The hearing shall be confined to a review of the Design and Project Review Committee's decision, and, if applicable, of the written objections submitted by the appellant property owner and response(s) thereto filed by the applicant. No verbal presentations shall be heard except upon invitation by the Committee and any such presentation shall be confined to facts and matters contained in the written materials on file in the appeal.
- (D) The Planning and Development Committee shall either approve, approve with conditions, deny the application, or refer the matter back to the Design and Project Review Committee for further proceedings. The Committee's decision shall be in writing and shall be issued no later than the next regular meeting after the decision is made.
- (E) Standards. Variations may be approved to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by this Chapter. No variation shall be granted unless the Design and Project Review Committee makes findings of fact with regards to each of the following standards:
1. *Hardship*. The proposed variation will alleviate some demonstrable and unusual hardship that arises due to factors including, but not limited to, location, site configuration, and/or building configuration.
  2. *Reasonable Return*. The proposed variation will contribute to a reasonable return from the business advertised.
  3. *Not Harm Public Welfare*. The proposed variation will not be materially detrimental to the public welfare.
  4. *Consistent with Intent*. The proposed variation promotes the purpose of the Sign Regulations set forth in Section 4-10-2 of this Chapter.
- (F) Conditions. Such conditions and restrictions may be imposed on the premises to be benefited by a variation as may be necessary to comply with the standards set forth herein, to reduce or minimize any injurious effect of such variation on other property in the neighborhood, and to implement the general intent, purpose, and objectives of this Chapter.
- (G) Revocation. In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one (1) year from the date of approval of the requested variation, then without further action by the Design and Project Review Committee, said variation shall become null and void.
- (H) Maintenance of Records. The Sign Administrator shall maintain complete records of all findings of fact and decisions of the Design and Project Review Committee relative to a variation. All such records shall be open to the public for inspection.

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**SECTION 6:** City Code 10-4-17, "Unified Business Center" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~17~~18. - UNIFIED BUSINESS CENTER.**

No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center and the sign complies with the provisions hereof.

- (A) *Comprehensive Sign Plan Approval.* Approval of a comprehensive sign plan for a unified business center shall be at the discretion of the Design and Project Review Committee in accordance with the criteria noted herein.
- (B) *Site Plan Review.* No permit shall be issued for a sign, and no final approval shall be granted for a comprehensive sign plan prior to review and approval by the Design and Project Review Committee of all comprehensive sign plans.
- (C) *Application Content.* In addition to the requirements listed for permit applications in Subsection 4-10-11(C) of this Chapter, the application for a comprehensive sign plan for a unified business center shall include a format for all signs to be used in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.
- (D) *Criteria.* The criteria used by the Design and Project Review Committee in its review of the proposed comprehensive sign plan for a unified business center shall include:
  1. *Scale and Proportion.* Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings and surroundings.
  2. *Integral Elements.* The signs in the plan shall be designed as integral architectural elements of the building and site to which they principally relate and shall not appear as incongruous "add-ons" or intrusions.
  3. *Restraint and Harmony.* The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
  4. *Effective Composition.* The number of graphic elements and letters shall be held to the minimum needed to convey each sign's message and shall be composed in proportion to the area of the sign's face.
  5. *Compatibility.* Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
  6. *Unified Image.* The effect of the signs proposed in the plan shall be the establishment of a unified image for the center.

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(E) *Permitted Variations*. In conjunction with the approval of the comprehensive sign plan for a unified business center, the Design and Project Review Committee may authorize limited variations to the regulations included in this Chapter. Such variations shall be permitted only when the applicant demonstrates that they are necessary to provide an improved comprehensive solution that is consistent with the purpose of this Chapter as found in Section 4-10-2 of this Chapter. The variations permitted are limited to the following:

1. *Wall Signs*. For wall signs the Design and Project Review Committee may vary the required twenty percent (20%) reduction on multiple signs and the requirement that signs be coterminous with the occupancy to which the signs refer.
2. *Freestanding Signs*. For freestanding signs the Design and Project Review Committee may vary the thirty (30) foot facade setback requirement, the height limitations up to the maximum of fifteen and one-half (15.5) feet or the height of the principal building to which the sign pertains (whichever is lower), and the area limitations up to the maximum of one hundred twenty (120) square feet per sign (as long as the total permitted sign surface area for either the occupant or the premises is not exceeded).

**SECTION 7:** City Code 10-4-18, "Revocation for Cause" of the Evanston

City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~1819~~. - REVOCATION FOR CAUSE.**

All rights and privileges acquired under the provisions of this chapter, or any amendment thereto, are deemed mere licenses revocable at any time for cause by the Sign Administrator. The Sign Administrator is authorized and empowered to revoke any permit upon failure of the permittee to comply with any provision of this chapter.

**SECTION 8:** City Code 10-4-19, "Penalty" of the Evanston City Code of

2012, as amended, is hereby further amended to read as follows:

**4-10-~~1920~~. - PENALTY.**

Any person found to have violated the provisions of the sign regulations adopted by the city shall be punished as follows:

- (A) 1. The fine for a first violation is seventy-five dollars (\$75.00).
  2. The fine for a second violation is two hundred dollars (\$200.00).
  3. The fine for a third or subsequent violation is three hundred seventy-five dollars (\$375.00).
- (B) Each day a provision of this chapter is found to have been violated constitutes a separate violation.

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- (C) The penalties provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation.

**SECTION 9:** City Code 10-4-18, "Revocation for Cause" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**4-10-~~2021~~. - SEPARABILITY.**

In accordance with the following, it is hereby declared that the several provisions of this chapter are separable:

- (A) *Provision of Ordinance.* If any court of competent jurisdiction determines any provision of this chapter to be invalid, such determination shall not affect any other provision of this chapter not specifically included in the court's judgment order.
- (B) *Any Particular Sign.* If any court of competent jurisdiction determines any provision of this chapter to be invalid as applied to any particular sign, such determination shall not affect the application of such provision to any other sign not specifically included in the court's judgment order.

**SECTION 10:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 11:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 12:** Ordinance 8-O-21 shall be in full force and effect after its passage and approval.

**SECTION 13:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Devon Reid, City Clerk

\_\_\_\_\_  
Kelley A. Gandurski, Corporation Counsel



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## DISCUSSION ITEM

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**TO:** MAYOR HARRIS; BOARD OF ALDERMEN  
**FROM:** DAVID GIPSON, CITY MANAGER  
**DATE:** JULY 19, 2024  
**SUBJECT:** TENANT BILL OF RIGHTS

---

The Board of Aldermen discussed a draft Tenant Bill of Rights on April 19, 2024. A redline version of the draft Tenant Bill of Rights has been attached for further review and discussion.

## 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, may 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 International 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)

3. No land shall be occupied or used and no commercial building or other building (except as per the provisions of the City of Clayton Property Maintenance Code) shall be occupied or used in whole or in part, for any purpose whatsoever, until the Director of Planning and Development Services or his/her designee has issued an occupancy permit. The use, occupancy or tenancy of a building or part thereof shall not be changed without an occupancy permit being issued by the Director of Planning and Development Services or his/her designee.

(Municipal Code Section 405.490)

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

~~b~~ii. 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~~iii. 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~~d. As used above, the term "covered multi-family dwelling" means:

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

~~b~~ii. 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.)

IV. ACCESS TO INFORMATION

1. The Tenant Bill of Rights must be posted on the premises of each rental property containing three (3) or more units in the City of Clayton.
2. Property owners or their designated property managers must provide a copy of the Tenant Bill of

Rights to each leaseholder.

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

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The Board of Aldermen discussed leaf blowers and gas-powered lawn equipment on April 19, 2024. The Board of Aldermen at that time expressed a desire to further restrict the permitted hours for contracted lawn maintenance using gas-powered equipment and requested an example of a gas-powered leaf blower phase-out ordinance. A proposed ordinance revision relating to contractor hours and a sample phase-out ordinance are being provided for further discussion.

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The following revision would further tighten the hours permitted for contracted lawn services using motor-driven equipment.

### Section 215.765 Enumeration of Prohibited

A. The following acts, among others, are declared to be loud, unusual, disturbing and unnecessary noises in violation of this Code, but said enumeration shall not be deemed to be exclusive:

9. 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~~6:00 P.M. weekdays and prior to 9:00 A.M. and after 5:00 P.M. Saturdays, Sundays and holidays; 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~~ all days of the year.

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The following is a sample gas-powered leaf blower ban modeled after an ordinance in Ann Arbor, Michigan that clearly and concisely regulates leaf blowers.

### LEAF BLOWERS

Purpose.

The purpose of this chapter is to protect the peace, health, safety, and welfare of persons in the City of X and to promote the city's sustainability goals by reducing noise, pollution, and other negative effects from leaf blowers.

#### Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

Electric means not gas-powered and powered from an electrical outlet or from batteries.

Gas-powered means powered by an internal combustion engine, including gasoline, kerosene, diesel, propane, or other volatile fuel.

Leaf blower means a powered portable, handheld, or backpack vacuum or blower used outdoors for the purpose of blowing or vacuuming light materials, such as dust, dirt, leaves, grass or plant clippings, stones, trash, or debris. It does not include snowblowers.

Turbine blower means a towed or wheeled leaf blower powered by a 4-stroke internal combustion engine.

#### Regulation of gas-powered leaf blowers.

- (1) Summer ban. The use of gas-powered leaf blowers is prohibited in the city from June 1 to September 30. Electric leaf blowers may be used during this time.
- (2) Seasonal use and phase-out. The use of gas-powered leaf blowers is permitted from October 1 to May 30 through the year 2027. Beginning January 1, 2028 the use of gas-powered leaf blowers is prohibited at all times in the city.

#### Regulation of leaf blowers generally.

- (1) Blowing off-property prohibited. It is prohibited to blow or sweep debris, trash, leaves, plant clippings, or yard waste into a neighboring property, street, sidewalk, drain, or public right-of-way.

#### Exceptions.

- (1) Any leaf blower may be used at any time:
  - a. In an emergency to protect health, safety, or property; or
  - b. To restore property immediately after an emergency, such as to clear a walkway, driveway, or street from debris following a storm or other natural disaster.
- (2) Any leaf blower may be used in street, sidewalk, or other paving construction or repair at any time when such work is otherwise permitted.
- (3) Turbine blowers may be used at any time of year when necessary to prepare recreational facilities for use, such as golf courses or playing fields, or to maintain public facilities.