

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, JANUARY 10, 2023 @ 7:30 P.M.
CITY COUNCIL CHAMBERS
(7601 MANCHESTER ROAD)
OR
VIA TELECONFERENCE
WWW.CITYOFMAPLEWOOD.COM FOR DETAILS)

1. Call to Order
2. Land Acknowledgement
3. Pledge of Allegiance
4. Roll Call
5. Motion to Excuse Councilperson
6. Approval of the Council Agenda
7. Public hearing to discuss the estimated reallocation of \$26,415.10 in Community Development Block Grant funds for fund year(s) 2019, 2020 and 2021
8. Public hearing to hear citizen's comments on a request to rezone 3727 Oxford Avenue from SR District to AB District
9. Public hearing to hear citizen's comments on a request for a conditional use permit to allow an accessory dwelling unit at 7468 Maple Avenue
10. Public hearing to hear citizen's comments on a request for a conditional use permit to operate a short-term vacation rental at 2320 Bellevue Avenue
11. Public Forum
12. Announcements
13. Approval of the December 13, 2022 City Council meeting minutes and Closed Session minutes
14. Community Development Block Grant Funds Reallocation Discussion
15. MRH Updates by Dr. Bonita Jamison

16. Annual Consolidated Financial Report for the Year Ending 6/30/2022 by Keith Slusser with Fick Eggemeyer & Williamson (available at www.cityofmaplewood.com)
17. A Resolution of the City Council of the City of Maplewood, Missouri authorizing the City Manager to accept the bid of Carroll in the amount of eighty-seven thousand eighty-one dollars and fifty-five cents (\$87,081.55) for the purchase and installation of thirty-five first responder lockers
18. A Resolution of the City Council of the City of Maplewood, Missouri, authorizing the City Manager to execute an amendment to the contract for housing of municipal inmates between the City of Maplewood and St. Louis County to reflect an increase in the daily rate for housing municipal prisoners
19. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to William and Jennifer Swift to allow an accessory dwelling unit at 7468 Maple Avenue
20. An Ordinance of the City Council of the City of Maplewood, Missouri, to rezone 3727 Oxford Avenue from SR Single Family Residential District to AB Arterial Business District
21. An Ordinance of the City Council of the City of Maplewood, Missouri, granting a Conditional Use Permit to Brandon Berkel to allow short term vacation rentals at 2320 Bellevue Avenue
22. Bill 6207 an Ordinance of the City Council of the City of Maplewood, Missouri, authorizing Missouri American Water Company to install a fire hydrant at or near the southeast corner of 2914 Bartold Avenue (Sunnen Station Phase 2)
23. Bill 6208 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 14-Businesses and business regulations, Article II.-Occupational licensing generally, Division 1.-Generally, Sec. 14-21.-Fees. to modify the required annual business license fee payments for automobile dealerships, new and used
24. Bill 6209 an Ordinance calling an election in the City of Maplewood, Missouri, on the question of increasing the annual license fee for automobile dealerships, new and used
25. Bill 6210 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 14-Businesses and business regulations, Article IX.-Peddlers, solicitors and mobile food vendors, relating to mobile food vendors
26. Bill 6211 an Ordinance of the City Council of the City of Maplewood, Missouri, amending Chapter 36-Parks and Recreation, Article III.-Park rules, Division 2.-Prohibited conduct, Sec. 36-87.-Selling; advertising; posting signs, relating to mobile food vendors

27. Bill 6212 an Ordinance calling and providing for the holding of an election in the City of Maplewood, Missouri, on April 4, 2023, for the purpose of submitting to the qualified voters of the City of Maplewood the question of charging mobile food vendors a fee for the issuance of a public use permit, special use permit, and festival use permit to operate in the City of Maplewood, and directing the City Clerk to notify the responsible election authorities of this election
28. Old Business – Ordinance Review Committees
29. Council Communication
30. Mayor’s Report
31. City Attorney’s Report
32. City Manager’s Report
33. Public Forum
34. Motion to hold a Closed Session, if needed, to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO
35. Adjournment

NOTICE OF PUBLIC HEARING

Publication Date 12/21/22

The City of Maplewood will hold a public hearing to discuss the estimated reallocation of **\$26,415.10** in Community Development Block Grant funds for fund year(s) 2019, 2020 and 2021. **The public hearing will be held at 7:30 p.m. on January 10, 2023, at Maplewood City Hall.**

To further its commitment to fair and equitable treatment of all citizens, the City of Maplewood has enacted and/or enforces the following:

A Fair Housing Ordinance prohibiting unlawful discrimination against any person because of race, sex, color, religion, disability, familial status or national origin;

A Policy of Nondiscrimination on the Basis of Disability in the admission or access to, or employment in, its federally assisted programs or activities;

A Policy of Equal Opportunity to Participate in Municipal Programs and Services regardless of race, color, religion, sex, age, disability, familial status, national origin, or political affiliation;

A requirement for bidding on CDBG activities that promotes employment opportunities created by HUD funding and that these opportunities be afforded low-income community residents and businesses.

If you would like information regarding the above policies or if you believe you have been unlawfully discriminated against, contact the following municipal official or employee who has been designated to coordinate compliance with the equal employment opportunity requirements referenced above. Additionally, if you are unable to attend the public hearing, you may provide written comments regarding the Community Development Block Grant Program to the following municipal official:

Anthony Traxler, Acting City Manager
NAME/TITLE

7601 Manchester Road
STREET ADDRESS

Maplewood, MO 63143
CITY, STATE, ZIP

314-645-3600
PHONE

If you are a person with a disability or have special needs in order to participate in this public hearing, please contact Tiffany Hyde at 314-646-3640 no later than January 5, 2023.

For More Information Call:
314-645-3600 VOICE
1-800-735-2466 RELAY MISSOURI VOICE
1-800-735-2966 RELAY MISSOURI TDD
Equal Opportunity Employer

(As posted at City Hall, the Maplewood Public Library, Deer Creek Park, Ryan Hummert Memorial Park, Sutton Loop Park, Kellogg Park, Yale bus stop pavilion and Citizen's Park on December 21, 2021)

▼
*City
of Maplewood*



▼

PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on **1/10/23 at 7:30 p.m.** in the Council Chambers, 7601 Manchester, Maplewood, MO 63143 to hear citizen's comments on a request to rezone 3727 Oxford Avenue from SR District to AB District.

Ad as appearing in the 12/21/2022 **St. Louis Countian**

▼
*7601 Manchester Road
Maplewood, MO 63143
(314) 645-3600*



▼
PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on **1/10/23 at 7:30 p.m.** in the Council Chambers, 7601 Manchester, Maplewood, MO 63143 to hear citizen's comments on a request for a conditional use permit to allow an accessory dwelling unit at 7468 Maple Avenue.

Ad as appearing in the 12/21/2022 **St. Louis Countian**



▼
PUBLIC HEARING NOTICE

Maplewood City Council will hold a public hearing on **1/10/23 at 7:30 p.m.** in the Council Chambers, 7601 Manchester, Maplewood, MO 63143 to hear citizen's comments on a request for a conditional use permit to operate a short term vacation rental at 2320 Bellevue Avenue.

Ad as appearing in the 12/21/2022 **St. Louis Countian**

The December 13, 2022 City Council meeting was called to order at 7:34 p.m., Mayor Knapper presiding.

LAND ACKNOWLEDGEMENT: The Mayor acknowledged that this meeting is being held on traditional lands of the Kickapoo, Osage, Miami, Iroquois and Great Sioux Nation people.

ON ROLL CALL, the following members were present: Mayor Knapper, Councilmember Crosley, Councilmember Homa, Councilmember Page and Councilmember Phillips.

MOTION TO EXCUSE COUNCILPERSON: Councilmember Homa motioned to excuse Councilmember Faulkingham, seconded by Councilmember Crosley, which motion received the approval of the Council.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Homa motioned to approve, seconded by Councilmember Crosley, which motion received the approval of the Council.

PUBLIC FORUM: None.

ANNOUNCEMENTS: Councilmember Phillips made the following announcement:

- Tickets are now on sale for the 10th annual Sweet Tooth Tour to be held on Saturday, January 21, 2023 from noon-5:00 p.m. Details can be found at www.cityofmaplewood.com/fun

APPROVAL OF THE NOVEMBER 8, 2022 CITY COUNCIL MEETING MINUTES: Councilmember Homa motioned to approve, seconded by Councilmember Crosley, which motion received the approval of the Council.

PROCLAMATION PRESENTATION TO SCHOOL OF METAPHYSICS: Mayor Knapper presented the proclamation.

PRESENTATION OF CERTIFICATES TO CITIZENS ACADEMY GRADUATES: Mayor Knapper presented the certificates to the graduates.

PUBLIC DEFENDER PRESENTATION BY JUDGE BRANDI MILLER: Judge Miller explained the need for a public defender and provided examples of where a public defender would be beneficial.

PRESENTATION BY PLAN & ZONING CHAIR KEVIN SULLIVAN AND COMMISSIONER COLIN BASSETT ON CREATING AND SUSTAINING AFFORDABLE HOUSING: Chairman Kevin Sullivan updated the City Council on issues the plan commissioners are currently working on and explained in detail the plan commission's efforts to combat the lack of affordable housing in Maplewood. Chairman Sullivan concluded by discussing the work the plan commission has been doing with respect to the Land Use Guide (Comprehensive Plan).

R22-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF ARCHWAY INDUSTRIAL COATINGS IN THE AMOUNT OF TWELVE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$12,880) FOR RESURFACING THE CONCESSION FLOOR AT THE MAPLEWOOD FAMILY AQUATIC CENTER was introduced. It was moved by Councilmember

Homa and seconded by Councilmember Crosley to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Homa, Page and Phillips. Nays, none.

R22-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO ACCEPT THE BID OF STAAT TUCKPOINTING INCORPORATED IN THE AMOUNT OF TWENTY-FOUR THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$24,860) FOR MASONRY OPENINGS IN RENOVATED AREAS OF THE CITY HALL BUILDING was introduced. It was moved by Councilmember Homa and seconded by Councilmember Crosley to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Homa, Page and Phillips. Nays, none.

R22-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, OPPOSING 15-CSR 30-200.015 LIBRARY CERTIFICATION REQUIREMENT FOR THE PROTECTION OF MINORS SUBMITTED BY THE MISSOURI SECRETARY OF STATE was introduced. It was moved by Councilmember Homa and seconded by Councilmember Crosley to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Knapper, members Crosley, Homa, Page and Phillips. Nays, none.

BILL 6207, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING MISSOURI AMERICAN WATER COMPANY TO INSTALL A FIRE HYDRANT AT OR NEAR THE SOUTHEAST CORNER OF 2014 BARTOLD AVENUE (SUNNEN STATION PHASE 2) was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6207 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6207 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

BILL 6208, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14-BUSINESSES AND BUSINESS REGULATIONS, ARTICLE II.-OCCUPATIONAL LICENSING GENERALLY, DIVISION 1.-GENERALLY, SEC. 14-21.-FEES. TO MODIFY THE REQUIRED ANNUAL BUSINESS LICENSE FEE PAYMENTS FOR AUTOMOBILE DEALERSHIPS, NEW AND USED was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6208 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6208 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

BILL 6209, AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF INCREASING THE ANNUAL LICENSE FEE FOR AUTOMOBILE DEALERSHIPS, NEW AND USED was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6209 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6209 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

BILL 6210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14-BUSINESSES AND BUSINESS REGULATIONS, ARTICLE IX.-PEDDLERS, SOLICITORS AND MOBILE FOOD VENDORS, RELATING TO MOBILE FOOD VENDORS was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6210 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6210 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

BILL 6211, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 36-PARKS AND RECREATION, ARTICLE III.-PARK RULES, DIVISION 2.-PROHIBITED CONDUCT, SEC. 36-87.-SELLING; ADVERTISING; POSTING SIGNS, RELATING TO MOBILE FOOD VENDORS was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6211 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6211 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

BILL 6212, AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF CHARGING MOBILE FOOD VENDORS A FEE FOR THE ISSUANCE OF A PUBLIC USE PERMIT, SPECIAL USE PERMIT, AND FESTIVAL USE PERMIT TO OPERATE IN THE CITY OF MAPLEWOOD, AND DIRECTING THE CITY CLERK TO NOTIFY THE RESPONSIBLE ELECTION AUTHORITIES OF THIS ELECTION was given its first reading. It was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6212 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Homa, duly seconded by Councilmember Crosley, that Bill No. 6212 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

MIXED-INCOME NEIGHBORHOODS OVERLAY ORDINANCE DISCUSSION: Mayor Knapper introduced a mixed-income overlay ordinance from the City of Philadelphia that a presenter discussed at a conference she attended in Chicago. Mayor Knapper indicated this ordinance could be a useful tool to combat affordable housing issues for individuals wanting to move into Maplewood and existing residents that want to remain in the city without being priced-out.

OLD BUSINESS-ORDINANCE REVIEW COMMITTEES: Councilmember Phillips gave her report.

COUNCIL COMMUNICATION: None.

MAYOR'S REPORT:

- Mayor Knapper learned about a pilot program that is taking place in West Denver, CO that is focusing on Accessory Dwelling Units and provides financing to homeowners that would like to create ADU's. She would like to see ADU's become more accessible for low to moderate income homeowners that want to assist other families.
- Asked that guidelines on communication for council include press releases on the city's website or emails sent to community members for ordinances passed by the council that are one of a kind in the region.
- Wished everyone happy holidays.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT:

- Introduced Welcome Maplewood-Diversity, Equity and Inclusion actions since 2021 on social media, the website and LinkedIn. The city's 5-year plan will be unveiled to City Council in March or April of 2023.
- The traffic calming study findings and the consultant's recommendations will be presented to City Council in January or February of 2023.
- The Budget Town Hall is scheduled for Wednesday, January 11 from 6:00-8:00 p.m. at Maplewood City Hall Council Chambers. A ZOOM option will be available.
- The Strategic Budget Priority Session is scheduled for Tuesday, February 28 from 6:00-8:00 p.m. at Maplewood City Hall Council Chambers. A ZOOM option will be available.
- The Parks Master Plan Open House will be Thursday, January 26 from 5:00-7:00 p.m. at Maplewood City Hall Council Chambers.
- Currently working on an enhanced communications strategy for 2023 which includes social media, email blasts, the website, calendar listings and use of the Maple Leaf four times per year with an increased emphasis on City Council activity, key city initiatives and partnerships, press opportunities and LinkedIn utilization.
- Updated the City Council on the Maplewood Community Growth Fund articles of incorporation and outlined the next steps for filing the 501(c)(3) application.
- The MRH School District's Multimedia Class recently worked with the Maplewood Fire Department to design 21 whistles for the fire department. The class went through several designs with the final design being perfect for all of the department members to use for water rescues. Zazie Kaplan, a 7th grader and Maplewood resident, was in charge of the build. The whistles will be attached to all of the Personal Flotation Devices and issued to all of the Swiftwater Techs in the department.
- The Maplewood Police Department's 3rd annual warm clothing drive kicked off on November 14 and goes through January 2. Items can be new or gently used such as coats, hats, gloves, scarves, blankets and socks.
- Mr. Reese thanked the Mayor and City Council for a productive year and wished everyone Happy Holidays.

PUBLIC FORUM: Library director Ashley Bryant thanked the Mayor and Council for passing the resolution opposing the Secretary of State's proposed rule.

Nancy Schick, member of the Sustainability Commission, said the citizens academy was awesome and thanked the city for making this possible.

MOTION TO HOLD A CLOSED SESSION TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11) AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO: Councilmember Homa motioned to hold a Closed Session to discuss a real estate matter and a personnel matter, seconded by Councilmember Crosley, which motion received the following roll call vote: Ayes, Mayor Knapper, Councilmember Crosley, Councilmember Homa, Councilmember Page and Councilmember Phillips. Nays, none.

There being no further business before the Council, the meeting adjourned.

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 4, 2023
Subject: Reallocation of 2019, 2020 and 2021 Community Development Block Grant Funds

Staff is requesting prior Community Development Block Grant funds be reallocated from Subsistence Payments to the Home Improvement Program. The Home Improvement Program is open to all Maplewood residents if they meet the income requirements regardless of where they live within the City. We currently have 16 applicants on the Home Improvement Program waiting list and are out of funds. Further, we have quit promoting this program due to the high level of interest and lack of funds. This program is so in demand that the last time we ran an article in the Maple Leaf newsletter 53 applicants applied. Therefore, if this request is approved, there is no doubt the funds will be utilized.

Please see the attached memo from Assistant Public Works Director Hyde for further background information and the attached resolution requesting the reallocation of block grant funds. Please do not hesitate to contact me at 646-3635 if you have any questions, comments or concerns on this matter.

INTEROFFICE MEMORANDUM



To: Anthony Traxler, Assistant City Manager/Director of Public Works
From: Tiffany Hyde, Public Works Department
Date: December 12, 2022
Subject: Reallocation of 2019, 2020 and 2021 Community Development Block Grant Funds

Right now, the City of Maplewood has \$26,415.10 in block grant funds that we need to transfer before they are recaptured. These funds were allocated in previous block grant applications for subsistence payments, specifically rent/mortgage assistance and/or utility assistance. I would like to request these funds be reallocated to the Home Improvement Loan program. The County has raised the forgivable loan amount from \$5,000 to \$7,500.

Application	Amount
2019	\$10,000.00
2020	\$ 6,415.10
2021	<u>\$10,000.00</u>
	\$26,415.10

The City signed an agreement with the Housing Partnership to process the rent/mortgage assistance payments and we've spent \$3,584.90 of the allocated funds. We placed a full-page ad in the Fall/Winter 2021-2022 edition of the MapleLeaf and there were social media posts as well. The County also has funds for rent/mortgage assistance that they have not been able to spend.

The City also allocated funds for utility assistance. This has been popular in the past; however, due to problems with the Heat Up/Cool Down St. Louis agreement, we have been unable to place funds with the organization. I am told this will not be worked out anytime soon, if ever.

We will need to hold a public hearing and apply for reallocation. Since I am on my 3rd County block grant specialist, I would like us to move this along as quickly as possible. Can we place this on the January 10, 2023 City Council agenda?

INTEROFFICE MEMORANDUM



To: Mayor and City Council
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: January 5, 2023
Subject: Police Lockers

Attached is a resolution to purchase 35 (2' x 2') first responder lockers for the police department's new locker room. The locker room will be located in the lower level workout room which was recently relocated to the old fire department bay area.

Police personnel currently do not have a designated locker room; rather each officer is assigned a smaller traditional locker that is located in the squad room which is the same room officers meet daily to discuss assignments, write reports, handle/process evidence, eat meals, etc. Due to the lack of space within the squad room, several officers have their lockers located in the mechanical room and/or mechanical room hallway.

Because the existing lockers are too small, tactical gear such as bullet proof vests and other larger items must be stored in separate storage rooms that lack proper ventilation. The new lockers will allow officers to store all of their personal and work items in their individual lockers. The lockers also have ventilation systems to dry out items such as vests which can get wet, especially during the summer.

Attached is a Sourcewell Bid for first responder lockers by Carroll for \$87,081.55 (copy of project proposal attached). Sourcewell bids represents reasonable reduced rates for municipalities nationwide.

Funds for the lockers will come from the Proposition P sales tax fund (4000 account). If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

RESOLUTION

R23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF CARROLL IN THE AMOUNT OF EIGHTY-SEVEN THOUSAND EIGHTY-ONE DOLLARS AND FIFTY-FIVE CENTS (\$87,081.55) FOR THE PURCHASE AND INSTALLATION OF THIRTY-FIVE FIRST RESPONDER LOCKERS

WHEREAS, the City desires to purchase lockers for a police department locker room; and

WHEREAS, Sourcewell, a cooperative procurement service that represents reasonable reduced rates for municipalities nationwide, provides for first responder locker systems. Carroll was awarded the Sourcewell bid for first responder locker systems; and

WHEREAS, Carroll's Sourcewell bid for thirty-five first responder lockers, with ventilation system included was \$87,081.55.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

The City Manager is hereby authorized to accept the bid of Carroll in the amount of eighty-seven thousand eighty-one dollars and fifty-five cents (\$87,081.55) for the purchase and installation of thirty-five first responder lockers with ventilation systems.

Passed this 10th day of January 2023.

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023.

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Project Proposal

Proposal Number	CP119768
Proposal Type	Owner
Date	12/15/2022

Project: Maplewood City Hall
 Architect:
 Bid Date: 12/15/2022 8:00 AM
 Proposal For: Lockers
 Installation

We are pleased to provide a proposal for your project.

Lockers

\$69,171.55

To provide material and freight for (35) Debourgh HDP 1st Responder Lockers. Our proposal includes:

35 - HDP 1st Responder Lockers 24 in. wide x 34 in. deep x 90 in. high

Locker Details: 24 in. wide x 24 in. deep x 72 in. high

- Door Construction Style: Formed 16 Ga Louvered, Continuous Hinge
- Latch Type: Sentry I Turn Handle
- Door Stiffener Panel: Solid Surface Stiffener Panel
- Lock Style: Padlocks by Others, include Lock Hole Cover Plate
- Locker Body Construction: Formed 18 Ga Welded
- Bottom: Solid
- Back: Solid with features for reconfigurable interior
- Sides: Solid with features for reconfigurable interior
- Top Ventilation: Solid
- Slope Tops: None

Drawer Base: 34 in. deep x 17 in. high

- Drawer Construction: Self Latching, 200 lb Capacity
- Drawer Cabinet Construction: Solid Body w/ Louvered Front
- Bench Type: Mixed Hardwood Bench (Lengths as long as practical, field cut/field installed)
- Metal Welded Closed Base: None

Interior Components:

- Full-Width Shelf – Solid
- Full-Width Clothes Rod with 4 single hooks
- Color: Please Advise

ALTERNATES:

- To include Slope Tops - ADD \$2,570
- To include a Fan, Power Block and Linkage Cable - ADD \$15,030

Installation

\$2,880.00

To provide installation of lockers provided above.

Exclusions:

Demo, Taxes, Installation, Payment & Performance Bond and Liquidated Damages

Our bid and price are conditioned on the use of the latest edition of AIA document A401 and attached "Rider A" as the terms for any resulting subcontract. An OCIP Policy for primary and noncontributory waiver of subrogation, if required, can be furnished at an additional cost. Please note that the submitted proposal utilizes Commercial General Liability (CGL) endorsements that are equal to CG2010 10/01 and CG2037 10/01. Additional costs up to 0.4%/yr may apply if actual CG2010 10/01 and CG2037 10/01 endorsements are mandated. In the event of any conflict between this proposal and the subcontract document, this proposal shall govern.

Prices quoted are good for 30 days!

If you have any questions concerning our proposal, please contact me.

Eddie Scheer
Carroll Seating, Inc
EScheer@CarrollSeating.com

**RIDER A to CONTRACT between CARROLL SEATING COMPANY and GENERAL CONTRACTOR
FOR THE PROJECT KNOWN AS:*****MADE A PART HEREOF AND ATTACHED HERETO***

This Rider contains changes and additions to the above-referenced contract (the "Contract") between **Carroll Seating Company** ("Subcontractor") and **General Contractor** ("Contractor"). To the extent that the terms and conditions of this Rider conflict with terms and conditions of the Contract, the **Rider shall control**.

1. DELIVERY/INSTALLATION: Carroll Seating Company shall not be liable for or chargeable with any delay in or want of performance due to unforeseen circumstances or due to causes beyond its control, including, but not limited to, act of nature, act of any governmental authority, war or armed hostilities, riot or civil disturbance, act of terrorism, labor dispute or disruption, epidemic or global health crisis, power grid or internet disruption, materials shortage or constraint, product unavailability from manufacturer, or transportation delays, and shall be entitled to an appropriate extension of time in the event of any such occurrence.

2. JOBSITE CONDITION: The Contractor warrants that the job site conditions will be prepared and ready to receive materials delivered by Carroll Seating Company and that the installation of said materials can commence immediately upon delivery. Unless otherwise agreed to in writing, the cost of unloading materials shall be included in the purchase price set forth in the Contract. Should the job site conditions be cause for delay for Carroll Seating Company to begin installation of materials, or delay in delivering materials, the Contractor agrees to pay an additional sum of money to cover all extra expenses necessary for extra (double) handling, moving, demurrage, or storage charges of materials. Architectural woodwork shall not be subjected to extremes of temperature and humidity. Relative humidity shall not be less than 25% or more than 55% under normal conditions. In any event, relative humidity and temperature during the time of installation should remain within the range to be maintained during occupancy. Relative humidity below 20% and above 80% is harmful to wood and wood products.

3. PRICING BASED ON DELIVERY DATE/ESCALATION: The Contractor shall not change the delivery date once materials have been scheduled for production and must give the Subcontractor written notice of a change in delivery date at least 90 days in advance from the original agreed upon scheduled delivery date. If the Contractor issues a change order causing a delivery date beyond 30 days from the originally scheduled delivery date the new delivery date shall constitute a new agreement in determining the appropriate change in the cost of materials and labor.

4. RETENTION CLAUSE: The retainage percentage withheld by the Contractor from progress payments to Carroll Seating Company shall not exceed the retainage percentage withheld by the Owner in its payment to the Contractor.

5. MECHANICS LIEN CLAUSES: Carroll Seating Company shall retain the right to assert mechanics' lien(s) for work that it has performed. Nothing in the Contract or this Rider shall be construed as a waiver of Carroll Seating Company's right to assert mechanics' lien(s) should the Contractor fail to pay Carroll Seating Company for the work performed.

6. OSHA CLAUSES: Carroll Seating Company shall not be liable for payment of any OSHA fines or penalties or for correction of unsafe working conditions due in part or in whole to acts of commission or omission on the part of the Contractor, Architect, or other subcontractors. Contractor agrees to Carroll Seating Company harmless from any such fines, penalties and correction of unsafe working conditions.

7. WAIVERS: Carroll Seating Company shall tender mechanics' lien waivers upon receipt of payment for the Work to which such waivers relate. In the event Carroll Seating Company submits a waiver before it receives payment the waiver will be held in trust by the Contractor until payment is received by Carroll Seating Company and shall not be effective or binding upon Carroll Seating Company until Carroll Seating Company receives the payment.

8. Notwithstanding any provision of the contract between Carroll Seating Company and the Contractor to the contrary, Carroll Seating Company shall only be obligated to defend, indemnify or save harmless the Contractor and Owner for such losses, damages, claims and the like for which Carroll Seating Company has insurance coverage, and then only to the extent of such insurance coverage.

9. SERVICES: The Contractor shall provide sufficient temporary electric, heat and water for the use by Carroll Seating Company at no cost to Carroll Seating Company. This includes any temporary heat in areas where any wood products have to be stored on site due to installation areas not being ready.

10. CLEANUP: The Contractor shall provide dumpsters for use by Carroll Seating Company at no cost to Carroll Seating Company. No dumpster charges shall be accepted by Carroll Seating Company unless agreed to in writing.

11. PAYMENT and PERFORMANCE BONDS: Unless the Contract requires Carroll Seating Company to obtain payment and/or performance bonds, the Owner and the Contractor shall be responsible for obtaining and paying for such bonds. If the Contract requires Carroll Seating Company to obtain payment and/or performance bonds, Carroll Seating Company shall obtain such bonds but only pay the premium attributable to the initial contract price. If the premium charged for such bonds increases as a result of changes in the original contract price, the Owner or the Contractor shall pay the increase in the premium. The Owner and the Contractor shall make any requests for payment and performance bonds at least ten days before Carroll Seating Company commences work. It is understood Carroll Seating Company will only furnish the standard AIA document 311 or 312 Performance Bond.

12. EXTRAS: Contractor shall sign each field "extra work order" for time and material extras to verify hours and materials used. No additional work shall be performed without this "extra work order". Contractor agrees to pay the following rates for extra work.

Carpenters per hour \$ _____
Foreman per hour \$ _____

Contractor also agrees to pay the cost of materials used by Carroll Seating Company in the performance of extra work. Payments for extra work orders shall be made in the same manner as payments are made on the contract.

13. BACKCHARGES: Contractor agrees that it will give Carroll Seating Company sufficient advance notice, but in no event less than 48 hours in writing to permit Carroll Seating Company to correct the work that the Contractor contends warrants a backcharge. The Contractor must have the backcharge signed by the Carroll Seating Company project manager. In the event the Contractor does not give sufficient advance notice, the Contractor shall not be entitled to the backcharge. The Contractor agrees that in the event it decides to issue a backcharge, it shall do so within two weeks after the occurrence giving rise to the backcharge.

14. DIMENSION AND DELIVERY INFORMATION: If accurate field dimensions cannot be taken prior to fabrication, the Contractor will sign off to the field measurements per the architects' drawings or manufacturers' shop drawing. This will be done prior to fabrication. Any changes which results in equipment not fitting and requires further attention and costs will be the responsibility of the Contractor.

15. Notwithstanding any provision of the contract between Carroll Seating Company and the Contractor to the contrary, Carroll Seating Company shall only be obligated to carry and have in force and effect such insurance in such limits as described in the certificate of insurance attached hereto. The General Contractor hereby represents and warrants to Carroll Seating Company that the Owner has adequate builder's risk insurance for the project. In no event shall Carroll Seating Company waive any rights of subrogation.

16. Carroll Seating Company shall only be bound by the terms and provisions of the General Contractor's contract with others if the General Contractor delivers to Carroll Seating Company a true, complete and accurate copy of such contract and Carroll Seating Company, prior to its execution of this Rider, returns such contract to the General Contractor bearing Carroll Seating Company's president's initials on each page thereof; in no event, however, will Carroll Seating Company be bound by any "waiver of right to jury trial", "no lien" or "liquidated damages for delay" clauses by other such similar provisions in any contract between the General Contractor and others.

17. Notwithstanding any provision in any subcontract between Carroll Seating Company and the General Contractor which states that a condition precedent to the General Contractor's obligation to pay Carroll Seating Company is the General Contractor's receipt from others of payment for the work, services or material provided or performed by Carroll Seating Company, sometimes referred to as a "pay when paid" or "pay if paid" clause, the General Contractor shall pay Carroll Seating Company for all work, service or materials performed or provided by Carroll Seating Company within 30 days of Carroll Seating Company's invoice to the General Contractor for the same. All past due invoices are subject to a 1½% monthly finance charge, which yields an annual interest rate of 18%.

18. In the event Carroll Seating Company must enforce any of the terms and provisions of the contract or this Rider, including but not limited to the General Contractor for any work, service or material described herein, Carroll Seating Company shall be entitled to collect from the General Contractor all costs and expenses, including reasonable attorney's fees, it incurs in connection therewith. Carroll Seating Company waives subrogation only for loss of tools or its equipment on the jobsite.

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* Note these lockers are 2'x3', we will be purchasing the 2'x2' lockers due to a lack of space.

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FEATURES

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- IN-UNIT VENTILATION SYSTEM
- PLUG-AND-PLAY POWER SYSTEM

SIZES

WIDTHS	DEPTHS	UNIT HEIGHTS	DRAWER HEIGHTS	BENCH WIDTHS
18	18	61	13	9.5
24	24	73	17	12
30				
36				



fully welded



TGIC powder finish



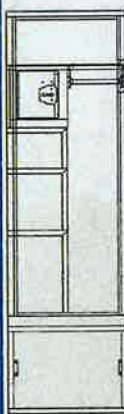
lifetime limited warranty



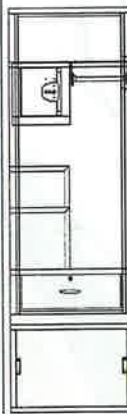
thousands of configurations

COMMON CONFIGURATIONS

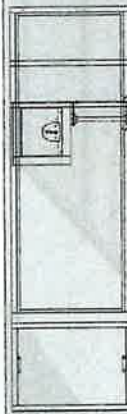
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F24246I-HDP2



F24246I-HDP3



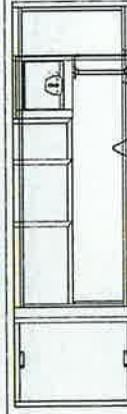
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F24246I-HDP5



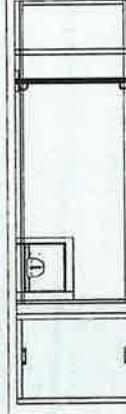
F24246I-HDP6



F24246I-HDP7



F24246I-HDP8



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POLICE & FIRE

PERSONNEL

JUSTICE SERVICES

December 21, 2022

Honorable Nikylan Knapper, Mayor
And Members of the City Council
7601 Manchester Rd
Manchester, MO 63143

Honorable Knapper:

The City of Maplewood and St. Louis County are parties to an agreement for housing of municipal inmates at the St. Louis County Justice Center in Clayton ("Contract"). By Order dated November 15, 2022, the County Council approved an increase to the rate for such service. Consistent with the County Council's Order, the Contract will require amendment to increase the charge to \$50 per day. St. Louis County will prepare and send the necessary amendment.

No later than January 15, 2023, please provide the contact information (name and email address) of the individual authorized to sign the Contract amendment on behalf of your municipality. Please email the contact information to Andrea Peterson, Accounting Supervisor, 314-615-4783, APeterson@stlouiscountymo.gov. Upon receipt of the information, County will initiate the signature process through DocuSign. We will return a copy of the fully executed document to the municipality.

Please contact me if you have questions or require additional information.

Sincerely,

Scott Anders Director of Justice Services
Sanders@stlouiscountymo.gov
314-615-4763

INTEROFFICE MEMORANDUM

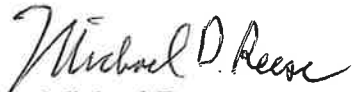
TO: Mayor & City Council

FROM: Michael D. Reese, City Manager

DATE: January 4, 2023

RE: Amendment to Contract - Housing Municipal Inmates

The City of Maplewood contracts with St. Louis County to house its municipal inmates (inmates being held by the City of Maplewood Municipal Court for more than 24-hours) and currently pays a rate of \$30.00 per day. On November 15, 2022, St. Louis County increased its rate for housing municipal inmates from \$30.00 to \$50.00. The City of Maplewood has been paying \$30.00 per day since at least 2004. As a result, the County has requested that the City execute an amendment to the Contract for Housing Municipal Inmates to reflect this increased daily rate. The Resolution enclosed in your packet will allow the City Manager to execute the requested amendment.


Michael D. Reese
City Manager

RESOLUTION

R23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT FOR HOUSING OF MUNICIPAL INMATES BETWEEN THE CITY OF MAPLEWOOD AND ST. LOUIS COUNTY TO REFLECT AN INCREASE IN THE DAILY RATE FOR HOUSING MUNICIPAL PRISONERS.

WHEREAS, the City entered into the Contract for Housing of Municipal Inmates with St. Louis County, Missouri (the "Agreement") for the purpose of housing municipal prisoners, as authorized by Ordinance No. 5158 dated February 10, 2004; and

WHEREAS, St. Louis County has increased the daily rate for housing such inmates from \$30.00 per day to \$50.00 per day by Order of the St. Louis County Council dated November 15, 2022; and

WHEREAS, St. Louis County is requiring that the City enter an Amendment to the Agreement to reflect the increased rate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

The City Manager is hereby authorized to execute an amendment to the Contract for Housing of Municipal Inmates with St. Louis County to reflect the increased rate for housing municipal prisoners of \$50.00 per day.

Passed this ___ day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this ___ day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 21, 2022
Subject: **Petition #2022-10** - Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit (ADU) at 7468 Maple Avenue

BACKGROUND

The subject property (7468 Maple Avenue) is an approximately 6,300 square foot lot, with a two story, owner occupied home. To the rear of the home is a detached garage that is immediately adjacent to a public alley. The site is surrounded by single family residential homes.

On October 25, 2022, the City Council approved ordinance #6000 (copy attached) which allows accessory dwelling units (ADU's) with a conditional use permit in the SR Single Family Residential District and established the regulations governing these ADU's.

ZONING REQUEST

The petitioners, William and Jennifer Swift, are requesting a Conditional Use Permit on the subject property to convert their existing detached garage into an ADU.

Approval of this request, if granted by the Plan and Zoning Commission and the City Council, would bring this property into conformance with the Zoning Code of the City of Maplewood.

PLANNING AND ZONING ISSUES

1. **Proposed Use:** The property is zoned SR Single Family Residential District. The petitioners would like to convert their existing 480 square foot detached garage into an ADU for extended living space and/or office space. Petitioner William Swift indicated that one of the existing bedrooms in the house was converted into an office during the pandemic and because of this, more space is needed for his family.

I sent the petitioners a copy of ordinance #6000 which contains the ADU requirements and William Swift indicated meeting these requirements will not be an issue.

2. **ADU Regulations/Parking:** Assuming the ADU is approved and the garage is converted into an ADU, the site still contains 2 off-street parking spaces. Further, staff visited the site and surrounding neighborhood on several occasions at different times of day and evening and available parking nearby is not a concern. The principal reason for this is because all homes on the 7400 block of Maple have access to off-street parking via alleys located behind the homes on both sides of the street. This is unusual for the City of Maplewood, it is one of the few blocks in town where such off-street parking is available. The proposed ADU meets all other regulations contained in ordinance #6000.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

In presenting any application for a Conditional Use Permit, the petitioner must demonstrate that the proposed conditional use meets the “Standards for Approval” criteria set forth in Section 56-877, Procedures for a Conditional Use Permit, of the Zoning Code (copy attached).

FINDING:

Staff recommends approval based on the has following findings of fact:

- 1) The scale and intensity for the proposed use should be compatible with adjacent and surrounding properties.
- 2) The proposed conditional use, at the above location, will contribute to and promote the welfare and convenience of the public by providing an ADU in the community and surrounding area.
- 3) The 7400 block of Maple Avenue has ample off-street and on-street parking to support the proposed ADU.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO WILLIAM AND JENNIFER SWIFT TO ALLOW AN ACCESSORY DWELLING UNIT AT 7468 MAPLE AVENUE

WHEREAS, William and Jennifer Swift applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to allow an accessory dwelling unit at 7468 Maple Avenue, subject to City of Maplewood ordinance #6000; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their January 3, 2023 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their January 10, 2023 Council meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. William and Jennifer Swift are hereby granted a Conditional Use Permit to allow an accessory dwelling unit at 7468 Maple Avenue.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted Use – One (1) accessory dwelling unit as per the requirements of the City of Maplewood Codes and Ordinances.

Section III. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section IV. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of 2023

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this day of 2023

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Sec. 56-877. - Procedures for conditional use permit.

(a) *Applications.* Applications for a conditional use permit shall include a site plan and necessary descriptive material relating to the intensity and extent of use and such other information as shall be required by the zoning administrator. An application for a conditional use permit may be filed only by the owner of the property in question or by a tenant, with the owner's permission.

(b) *Standards for conditional use permit approval.* The zoning administrator shall post the property and mail notices to inform the public of the date, time and place of the plan and zoning commission meeting at which the conditional use permit application shall be considered, and of the date, time and place of the public hearing on such application to be held by the city council pursuant to this division. The zoning administrator shall refer the application to the plan and zoning commission to investigate and make a report and recommendation as to whether the following criteria are true with respect to the proposed conditional use:

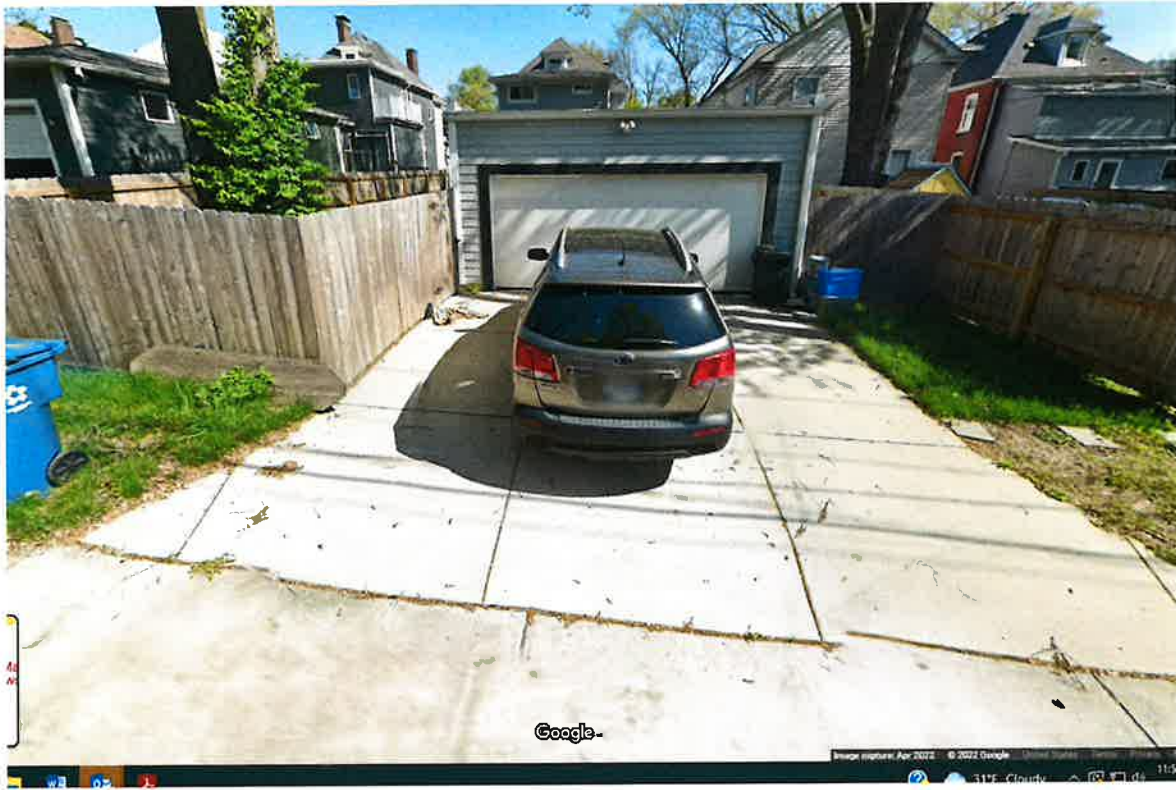
- (1) Complies with all applicable provisions of this chapter;
- (2) At the specific location will contribute to and promote the community welfare or convenience;
- (3) Will not cause substantial injury to the value of neighboring property;
- (4) Complies with the overall neighborhood development plan and existing zoning district provisions;
- (5) Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this chapter;
- (6) Will not substantially increase traffic hazards;
- (7) Will not substantially increase fire hazards;
- (8) Will not overtax public utilities; and
- (9) Will not place an undue burden on municipal services.

(c) *Report and recommendation.* Without unreasonable delay, and in all cases within 40 days after the first meeting at which the proposed conditional use is considered, the plan and zoning commission shall render to the city council a written report and recommendation on the proposed conditional use.

(d) *Hearing.* Upon receipt of the report and the recommendation of the plan and zoning commission, the city council shall hold a public hearing on the application and shall give notice of the date, time and place thereof by causing a notice thereof to be published at least one time, 15 days before the date of the hearing, in a newspaper of general circulation in the city.

(e) *Authorization.* After such hearing, the city council shall, by majority vote, make a determination as to whether the proposed conditional use satisfies the criteria listed in subsection (b) of this section for the plan and zoning commission report and recommendation. If the city council makes an affirmative determination as to all of the criteria, a conditional use permit shall be granted. If the city council makes a negative determination as to any of the criteria, a conditional use permit shall not be granted.

(f) *Conditions.* The plan and zoning commission may recommend and the city council may provide such terms, conditions or restrictions upon the construction, location and operation of the conditional use, as the plan and zoning commission or the city council may determine in order to further the general objectives of this division and to minimize the possibility of injury to the value of property in the neighborhood.



7468 Maple Avenue

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 56, ZONING, INCLUDING SECTION 56-3. – DEFINITIONS.; SECTION 56-72. – PERMITTED USES.; AND SECTION 56.560. – SPECIFICALLY PROHIBITED USES; AND ADDING A NEW SECTION 56-74. – REGULATIONS FOR ACCESSORY DWELLING UNITS, ALL TO ALLOW ACCESSORY DWELLING UNITS AS CONDITIONAL USES IN THE SR SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

WHEREAS, the Plan and Zoning Commission approved by a vote of 6 ayes, 0 nays the amendments to the zoning ordinance at their October 3, 2022 meeting; and

WHEREAS, the City Council held a public hearing on October 11, 2022 regarding the proposed amendments to the zoning ordinance; and

WHEREAS, the City Council finds that the City's housing supply is falling short of current and future housing demand, with potential serious consequences for the well-being of its residents, particularly lower-income and middle-income earners; and

WHEREAS, the City Council believes that accessory dwelling units will assist in allowing the City to meet its residential housing needs by increasing the supply of more affordable and a diverse type of housing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 56-3. of Chapter 56, Article I of the Code is hereby amended by adding the following definition:

Accessory dwelling unit. A smaller, subordinate, dwelling containing a single dwelling unit that is either attached to or detached from the principal single-family dwelling.

Section II. Subsection 4 of Section 56-72. of Division 2 of Article II of Chapter 56 of the Code is hereby amended by adding the following new subsection (f):

f. Accessory dwelling unit.

Section III. A new Section 56-74 is hereby added to Chapter 56, Article II, Division 2 as follows:

Sec. 56-74. – Regulations for accessory dwelling units.

(a) In addition to meeting the requirements of Sec. 56-877 of this chapter, accessory dwelling units (ADU) must comply with the following conditions to receive a conditional use permit for such use:

- (1) At least one of either the principal single-family dwelling or the subordinate accessory dwelling unit must be owner-occupied.
 - (2) A maximum of one accessory dwelling unit per lot is permitted.
-

- (3) The accessory dwelling unit shall not exceed 800 gross square feet.
- (4) Minimum accessory dwelling unit setback requirements shall be as set forth in Sec. 56-561 of this chapter.
- (5) No accessory dwelling unit shall be permitted in the front yard.
- (6) Accessory dwelling units shall not require off-street parking in addition to that required by Chapter 56 unless the planning and zoning commission determines that on-street parking in the area (area defined as within 300 feet of the site in question) surrounding the proposed accessory dwelling unit is inadequate to meet the needs of the residents in the area.
- (7) Accessory dwelling units must have means of ingress/egress for emergency services.
- (8) Accessory dwelling units shall have been reviewed and approved by the design and review board.
- (9) Short-term vacation rentals are prohibited in the accessory dwelling unit.

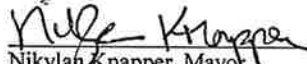
(b) Notice of public hearing for a conditional use permit for an accessory dwelling unit shall be given as set forth in Sec. 56-877 of this chapter, except that in addition to giving notice by publication, notice shall also be given to all owners within 500 feet of the premises for which the conditional use permit is sought.

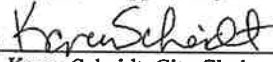
Section IV. Subsection (c) of Section 56-560. of Chapter 56, Article III, Division 4 of the Code is hereby amended by deleting the existing text and inserting the following text in its stead:

(c) With the exception of accessory dwelling units (ADU's) as set forth in Article II, Division 2 of this chapter, it shall be unlawful for any person, firm or corporation to occupy an accessory building for purposes of residency or any other use resulting in systematic human occupancy.


Section V. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 25th day of October, 2022


 Nikylan Knapper, Mayor

Attest: 
 Karen Scheidt, City Clerk

Approved this 25th day of October, 2022


 Nikylan Knapper, Mayor

Attest: 
 Karen Scheidt, City Clerk

INTEROFFICE MEMORANDUM



To: Plan Commission

From: Anthony Traxler, Assistant City Manager/Director of Public Works

Date: December 20, 2022

Subject: **Petition Number 2022-11 – Request by Scott McClain of Lockwood Construction and Development to rezone 3727 Oxford Avenue from SR Single Family Residential District to AB Arterial Business District**

BACKGROUND

The subject property, 3727 Oxford Avenue, is zoned SR Single Family Residential District. The site, which is approximately 0.12 acres, supports a parking lot utilized by McClain's Bar and Grill for overflow parking, and to store its trash dumpster and grease trap. The lot has been utilized by McClain's for many decades.

The petitioner, Scott McClain of Lockwood Construction, purchased this lot from Gary Ruble of McClain's and also purchased the lot to the north at 3500 S. Big Bend Blvd. (vacant business - previously supported a used car dealership). The petitioner is planning on combining both lots to construct a speculation retail structure on the 3500 S. Big Bend Blvd site. 3727 Oxford Avenue will continue to be utilized as a parking lot but will support the new retail business operations as opposed to McClain's. McClain's will move their trash dumpster and grease trap to their principal lot.

Attached is a draft concept plan that gives one an idea of what may be proposed for these lots. Note, this is a draft plan only and has not been approved by the City of Maplewood. Approval of this plan would not come until later and staff anticipates there will need to be modifications to meet setback and transitional yard requirements before it can be approved.

ZONING REQUEST

The petitioner, Scott McClain, is requesting to rezone 3727 Oxford Avenue from SR Single Family Residential District to AB Arterial Business District.

PLANNING AND ZONING ISSUES

1. **Site Inventory:** The City Code states “the purpose of the “AB” Arterial Business District is intended to accommodate and regulate those business and commercial uses which draw primarily from motorists passing on the street or for whom a location on a highway or arterial street is especially useful or necessary.” The City Code further states “because they typically require direct access to automobile traffic and visibility from the street, careful consideration must be given to their effect on the efficiency and safety or traffic movement, as well as to their impact on adjacent areas and residences.

See the attached aerial of the site and surrounding area. To the north is the vacant commercial property owned by the petitioner (zoned AB District), to the east is a single-family home (zoned SR District), to the south are commercial retail and industrial uses (zoned AB District and LM District) and to the west is McClain’s Bar and Grill (zoned AB District).

For a zoning request to be considered spot zoning, the property, in most cases, must meet the following four criteria:

- 1) The area is small compared to districts surrounding the parcel in question.
- 2) The new district allows land uses inconsistent with those allowed in the vicinity.
- 3) The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- 4) The existence of the spot zone conflicts with the policies in the text of the master plan and future land use or comprehensive plan.

The area (site) is adjacent to AB and LM zoning so it is not small compared to districts in the area, the proposed rezoning is consistent with land uses allowed in the vicinity, and the rezoning should not be considered a special benefit (historically served as a commercial parking lot) when compared with nearby zoning. The proposed rezoning is in accordance with the City’s Land Use Guide (Comprehensive Plan) which designates this site (and all adjacent sites, including the single-family residential home to the east) as commercial. Therefore, spot zoning is not a concern for this request.

2. **Impact to Adjacent Properties:** The site has been utilized for commercial purposes for decades. Because of this, the proposed change of zoning should not impact adjacent properties and the surrounding neighborhood.

FINDING:

Staff recommends approval based on the following findings of fact.

1. The scale and intensity for the proposed change of zoning (AB District uses) will be consistent with its current use as a commercial parking lot and dumpster storage area.
2. Existing commercial and industrial zoning is adjacent to the site in question.

3. The proposed change of zoning is not considered spot zoning.
4. The site is located within an area with numerous commercial and industrial uses.
5. The zoning code requires a transitional yard setback be installed between the site in question and the adjacent single-family residential house east of the site. This transitional yard will be in addition to the existing landscaped area (approximately 34 feet wide) west of the single-family house. Last, the existing topography of the house to the east is significantly higher than the site in question which will further mitigate the impact of the proposed commercial zoning.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO REZONE 3727 OXFORD AVENUE FROM SR SINGLE FAMILY RESIDENTIAL DISTRICT TO AB ARTERIAL BUSINESS DISTRICT

WHEREAS, Scott McClain of Lockwood Construction submitted a petition to the City Council requesting a change of zoning from SR Single Family Residential District to AB Arterial Business District for a parcel located at 3727 Oxford Avenue; and

WHEREAS, the Plan & Zoning Commission recommended approval (6 ayes, 0 nays) for the change of zoning request at their January 3, 2023 meeting; and

WHEREAS, the City Council of the City of Maplewood, Missouri, held a public hearing on this proposed rezoning at their January 10, 2023 City Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AS FOLLOWS:

Section I. The City Council of the City of Maplewood, Missouri, hereby rezones 3727 Oxford Avenue from SR Single Family Residential District to AB Arterial Business District.

Section II. This Ordinance shall be in full force and effect fifteen (15) days after passage and approval.

Passed this ____ th day of ____ 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this ____ th day of ____ 2023

Nikylan Knapper, Mayor

Attest

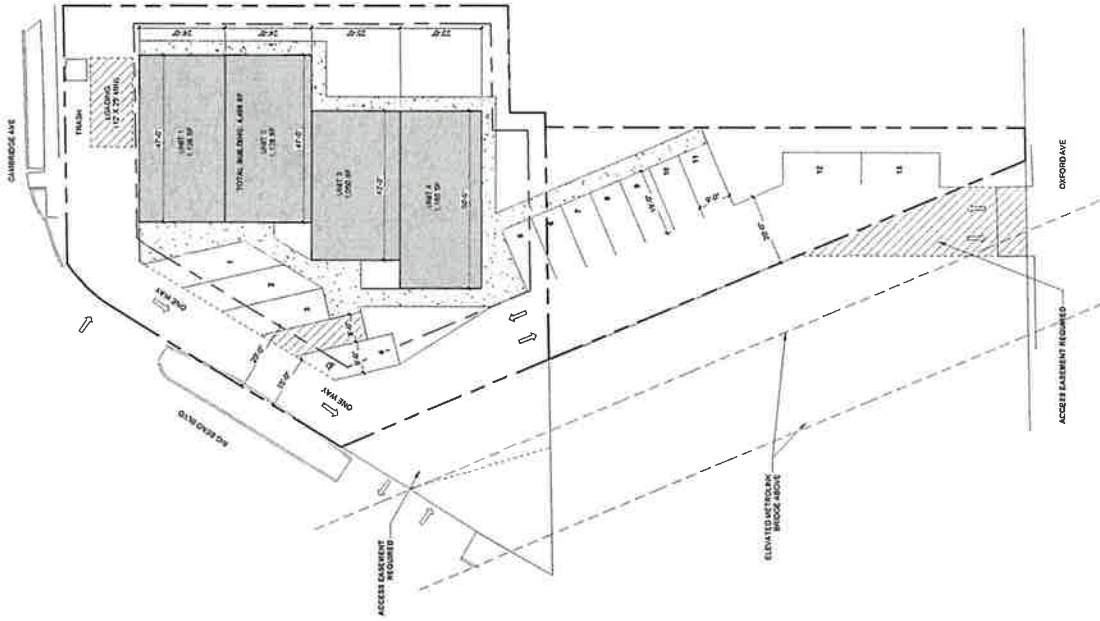
Karen Scheidt, City Clerk



3727 Oxford Boulevard



3727 Oxford Avenue



BUILDING CODE:
2015 BC

ZONING CODE REVIEW:
ZONING DISTRICT AS - ARTISAN BUSINESS
MAX STRUCTURE HEIGHT 36 FEET
MAX BUILDING COVERAGE 100%
MAX FLOOR AREA 5,000

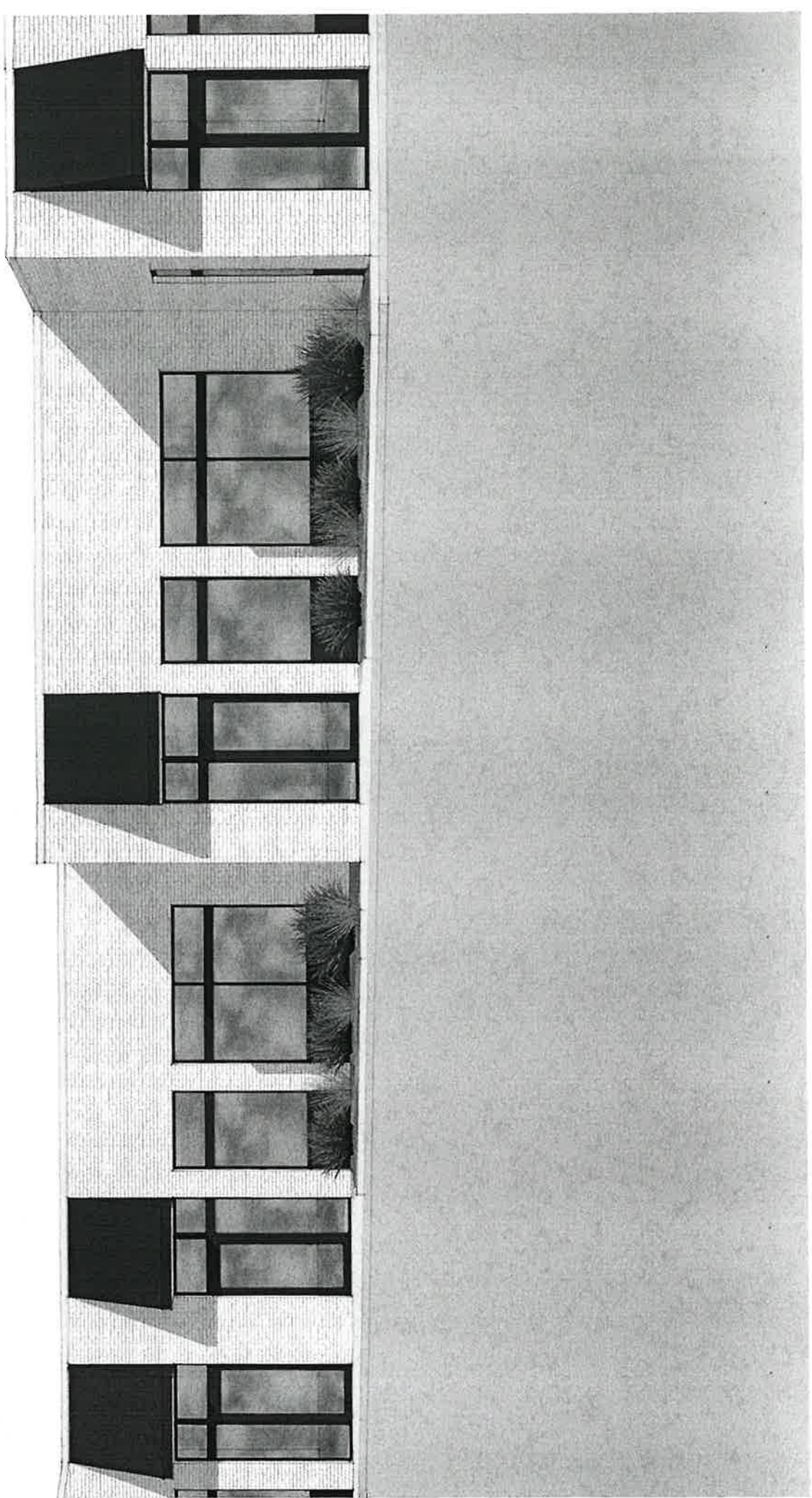
YARD REQUIREMENTS:
MIN 5' WY SETBACK OR EJECT IF NO PARKING OR DRIVEWAYS
LOCATED BETWEEN PARKING AND BUILDING. MIN SETBACK IS 5 FEET.
MIN SIDE OR REAR YARD NONE REQUIRED IF PROVIDED BY PROVIDER. NO YARD
SHALL BE LESS THAN 5 FEET WIDE.

PARKING REQUIREMENTS:
OFF-PARKING: 1 SPACE PER 300 SF
UNDERGROUND: 1 SPACE PER 1,000 SF
MINIMUM SPACE 8'6" x 18'

LOADING REQUIREMENTS:
UP TO 15,000 SF OF GROSS BUILDING 1 SPACE REQUIRED
LOADING SPACE DIMS: 12' W x 29' L
ALL SPACES REQUIRED
ALL SPACES PROVIDED



PRELIMINARY SITE PLAN
1/8" = 1'-0"



INTEROFFICE MEMORANDUM



To: Planning Commission
From: Anthony Traxler, Assistant City Manager/Director of Public Works
Date: December 20, 2022
Subject: **Petition #2022-12** - Request for a Conditional Use Permit to Operate a Short-Term Vacation Rental (STVR) in the SR Single Family Residential Zoning District at 2320 Bellevue Avenue

BACKGROUND

The subject property (2320 Bellevue Avenue) is an approximately 1,274 square foot, two story, owner occupied home. To the north of the site is a single-family home that is part of the Christ Church campus, to the east and south are single family homes and to the west are 2-unit and 4-unit apartment buildings.

On October 13, 2015, the City Council approved ordinance #5785 (copy attached) which allowed for short term vacation rentals with a conditional use permit and established the rules governing these STVR's. On November 8, 2022 the City Council amended this ordinance via ordinance #6001 (copy attached) to allow a thirty-day period of time each fiscal year where the owner of the home would not have to be present when renting out their home (copy attached).

ZONING REQUEST

The petitioner, Brandon Berkel, is requesting a Conditional Use Permit on the subject property to allow short term vacation rentals.

Approval of this request, if granted by the Plan and Zoning Commission and the City Council, would bring this property into conformance with the Zoning Code of the City of Maplewood.

PLANNING AND ZONING ISSUES

1. **Proposed Use:** The property is zoned SR Single Family Residential District. The petitioner would like to operate a STVR at the subject property. The petitioner indicated that he recently took a job where he would be out of town for approximately four months each year.

I explained the aforementioned rules to the petitioner and we reviewed ordinances #5785 and #6001 which contains the STVR requirements and the petitioner indicated meeting these requirements will not be an issue.

2. **Parking:** The site does not have a garage but does have a driveway where two vehicles could park. Typically, there is also available on-street parking near the house.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

In presenting any application for a Conditional Use Permit, the petitioner must demonstrate that the proposed conditional use meets the “Standards for Approval” criteria set forth in Section 56-877, Procedures for a Conditional Use Permit, of the Zoning Code (copy attached).

FINDING:

Staff recommends approval based on the following findings of fact:

- 1) The scale and intensity for the proposed use should be compatible with adjacent and surrounding properties.
- 2) The proposed conditional use, at the above location, will contribute to and promote the welfare and convenience of the public by providing short term vacation rental units in the community and surrounding area.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO BRANDON BERKEL TO ALLOW SHORT TERM VACATION RENTALS AT 2320 BELLEVUE AVENUE

WHEREAS, Brandon Berkel applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-877 of the Maplewood Code of Ordinances, to allow short term vacation rentals at 2320 Bellevue Avenue, subject to City of Maplewood ordinances #5785 and #6001; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at their January 3, 2023 meeting by a vote of 6 ayes, 0 nays; and

WHEREAS, the City Council held a public hearing on this conditional use permit at their January 10, 2023 Council meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Brandon Berkel is hereby granted a Conditional Use Permit to allow short term vacation rentals at 2320 Bellevue Avenue.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted Use – Short term vacation rental as per the requirements of the City of Maplewood Codes and Ordinances.

Section III. The permittee shall, within 30 days, give written acceptance to the terms of this ordinance to the City Council.

Section IV. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of 2023

Nikyln Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this day of 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Sec. 56-877. - Procedures for conditional use permit.

(a) *Applications.* Applications for a conditional use permit shall include a site plan and necessary descriptive material relating to the intensity and extent of use and such other information as shall be required by the zoning administrator. An application for a conditional use permit may be filed only by the owner of the property in question or by a tenant, with the owner's permission.

(b) *Standards for conditional use permit approval.* The zoning administrator shall post the property and mail notices to inform the public of the date, time and place of the plan and zoning commission meeting at which the conditional use permit application shall be considered, and of the date, time and place of the public hearing on such application to be held by the city council pursuant to this division. The zoning administrator shall refer the application to the plan and zoning commission to investigate and make a report and recommendation as to whether the following criteria are true with respect to the proposed conditional use:

- (1) Complies with all applicable provisions of this chapter;
- (2) At the specific location will contribute to and promote the community welfare or convenience;
- (3) Will not cause substantial injury to the value of neighboring property;
- (4) Complies with the overall neighborhood development plan and existing zoning district provisions;
- (5) Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this chapter;
- (6) Will not substantially increase traffic hazards;
- (7) Will not substantially increase fire hazards;
- (8) Will not overtax public utilities; and
- (9) Will not place an undue burden on municipal services.

(c) *Report and recommendation.* Without unreasonable delay, and in all cases within 40 days after the first meeting at which the proposed conditional use is considered, the plan and zoning commission shall render to the city council a written report and recommendation on the proposed conditional use.

(d) *Hearing.* Upon receipt of the report and the recommendation of the plan and zoning commission, the city council shall hold a public hearing on the application and shall give notice of the date, time and place thereof by causing a notice thereof to be published at least one time, 15 days before the date of the hearing, in a newspaper of general circulation in the city.

(e) *Authorization.* After such hearing, the city council shall, by majority vote, make a determination as to whether the proposed conditional use satisfies the criteria listed in subsection (b) of this section for the plan and zoning commission report and recommendation. If the city council makes an affirmative determination as to all of the criteria, a conditional use permit shall be granted. If the city council makes a negative determination as to any of the criteria, a conditional use permit shall not be granted.

(f) *Conditions.* The plan and zoning commission may recommend and the city council may provide such terms, conditions or restrictions upon the construction, location and operation of the conditional use, as the plan and zoning commission or the city council may determine in order to further the general objectives of this division and to minimize the possibility of injury to the value of property in the neighborhood.



2320 Bellevue Avenue

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance 5573, as amended, Chapter 14, Business and business regulations, is hereby amended by adding the following:

Section 14-800 Purpose:

- A. The purpose of this chapter is to establish regulations for short term vacation rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Maplewood by minimizing negative secondary affects related to short term vacation rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.
- B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restriction or private conditions, governance or restrictions applicable to the property's owner that may prohibit the use of such owner's residential property for short term vacation rentals as defined in this chapter. Short term vacation rentals are not permitted in dwelling units that have deed restrictions for affordable housing purposes or other city imposed conditions of approval or restrictions would prohibit the use of such dwelling as a short term vacation rental as defined herein.

Section 14-801 Definitions:

- A. *Owner* means the person or entity that holds legal and equitable title to a short term vacation rental property and who resides there as the legal residence of such person.
- B. *Owner occupied* means the owner (or person controlling any entity that is the owner) resides in said short term vacation rental property as the owner's (or such controlling person's) legal residence.
- C. *Short term vacation rental* means a rental of any legally permitted dwelling unit, or a portion of such a legally permitted dwelling unit, located in a single family zoning district as defined by Section 56-71 to 56-73 of this code for a period of less than 30 consecutive calendar days, in compliance with the terms of this Ordinance Sections 14-800 to 14-804.
- D. *Short term vacation rental property* means the property in which a short term vacation rental is located.
- E. *Transient* means any person who occupies any rooms or accommodations within a short term vacation rental property for a period of less than thirty (30) continuous days.

Section 14-802 Short Term Vacation Rentals:

- A. Short term vacation rentals shall be permitted only in owner occupied single family residences within the SR Single Family Residential Zoning District and as permitted as provided in the zoning ordinance.
- B. Short term vacation rentals shall be subject to and shall comply with all requirements of the city and state building, fire, safety and occupancy codes and limits.
- C. The owner of the short term vacation rental shall spend the night on-site at the short term vacation rental property at all times during the term of any short term vacation rental.
- D. Not more than two (2) rooms in any dwelling unit may be rented at the same time as a short term vacation rental.
- E. The owner of any short term vacation rental shall be required to apply for and obtain a short term vacation rental permit and business license from the city before renting or advertising the availability of the short term vacation rental.
- F. A short term vacation rental permit shall be valid from July 1 and shall expire on the following June 30.
- G. Obtaining and renewing a short term vacation rental permit: The owner of the short term vacation rental property shall adhere to the following conditions and shall submit the following information on a short term vacation rental permit application form provided by the city, which shall include, at a minimum, the following information:

- (1) The name, address and telephone number of the owner of the short term vacation rental property.
 - (2) Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
- H. Any false statements or false information provided in the application for a short term vacation rental permit shall be grounds for denial of permit, permit revocation or imposition of penalties as outlined in this Code of Ordinances.
- I. A short term vacation rental permit application shall be denied if the owner has had a short term vacation rental permit revoked within the past twelve (12) months for the same or other short term vacation rental property. If a short term vacation rental permit is revoked twice, no short term vacation rental permit shall subsequently be issued for such owner or such short term vacation rental property.
- J. Operational requirement: The owner shall use reasonable, prudent business practices to insure that the short term vacation rental property is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental property.
- K. The name, address and telephone number of a local contact person who shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests, shall at all times be kept on file with the city.
- L. The owner shall post the short term vacation rental permit on the exterior of the short term vacation rental property within plain view for the general public with a 24 hours a day, 7 days a week local contact phone number for complaints. The permit shall be between 8 ½" by 11" and 4" by 5" in size and shall be displayed at all times that the short term vacation rental property is being used for a short term vacation rental.
- M. The owner or local contact shall upon notification that any Transient, occupant or guest of the short term vacation rental property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term vacation rental property, respond in a timely and appropriate manner to immediately halt or prevent recurrence of such conduct. Failure of the owner or local contact to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term vacation rental in a timely and appropriate manner shall be grounds for revocation of the short term vacation rental permit and shall subject the owner to all administrative, legal and equitable remedies available to the city.
- N. The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term vacation rental property.
- O. No amplified or reproduced sound shall be used outside or audible from the property line of any short term vacation rental property between the hours of 10:00 p.m. and 10:00 a.m.
- P. Prior to rental of a short term vacation rental property, the owner shall:
- (1) Obtain the contact information of all Transients, including the name, permanent address, telephone number and emergency contact for each person to occupy the short term rental vacation property.
 - (2) Require the Transient to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants or guests of the short term vacation rental unit with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
 - (3) Information required in Items (1) and (2) above shall be maintained by the owner for a period of three (3) years and shall be made available upon request to any officer of the city responsible for the enforcement of any provision of the municipal code or any applicable law, rule or regulation pertaining to the use and occupancy of the short term vacation rental property.
 - (4) On-site parking shall be allowed on approved driveway, garage and/or carport areas only.
 - (5) The number of occupants allowed to occupy any short term vacation rental property shall be limited to two (2) people per bedroom and no more than two (2) bedrooms within any short term vacation rental property shall be rented at the same time.
 - (6) The City Manager or designee shall have the authority to impose additional conditions on the use of any short term vacation rental property to insure that any potential secondary affects unique to the subject short term vacation rental unit are avoided or adequately mitigated.

- Q. The owner shall post the current short term vacation rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short term vacation rental property.

Section 14-803 Permit Procedure:

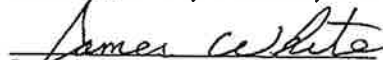
- A. Upon receiving an application for a permit for a short term vacation rental property that complies with the provisions of this chapter, the residents within 200 feet of the property lines of the subject property shall be notified of the application for short term vacation rental permit.
- B. The fee for a short term vacation rental permit shall be \$75 annually.

Section 14-804 Penalties and Enforcement:

- A. Upon request by the City Manager or designee, owners shall provide access to the short term vacation rental property and to any records related to the use and occupancy of the short term vacation rental property during normal business hours for the purpose of determining compliance with this chapter.
- B. Any person violating any of the provisions in this chapter shall be deemed guilty of a misdemeanor punishable pursuant to Section 1-11, General Penalty; Continuing Violations.
- C. In addition to any penalty imposed pursuant to Section 1-11 of this code, the City Manager or his designee may impose additional conditions on the use of any short term vacation rental permit pursuant to Section (P) (6) – Permits.
- D. Except as otherwise expressly provided in Sections 14-800 to 14-804, enforcement of Sections 14-800 to 14-804 is at the sole discretion of the city. Nothing in this chapter shall create a right of action on any person against the city or its agents for damages or to compel public enforcement of the provisions of Sections 14-800 and 14-804 against private parties.
- E. Pursuant to Chapter 1-11(c) of this code, each and every day during any portion of which a violation of this code or any other ordinance of this city is committed, continued or permitted, shall be a separate offense.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.


Passed this 13th day of October, 2015


James White, Mayor


Attest:


Karen R. Scheidt, Acting City Clerk

Approved this 13th day of October, 2015


James White, Mayor

Attest:


Karen R. Scheidt, Acting City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 – BUSINESSES AND BUSINESS REGULATIONS, ARTICLE XIII., SECTION 14-801. DEFINITIONS AND SECTION 14-802. – SHORT TERM VACATION RENTALS, AMENDING THE REGULATIONS FOR SHORT-TERM VACATION RENTALS.

WHEREAS, the City Council may adopt ordinances necessary to preserve the health, safety, and welfare of its residents; and

WHEREAS, the Section 14-802 of the City’s Code of Ordinances contains regulations for short-term vacation rentals in the City of Maplewood; and

WHEREAS, the City Council recognizes that such regulations are necessary to limit the impact of transient occupants in residential neighborhoods and to allow citizens to enjoy quiet enjoyment of their homes and properties; and

WHEREAS, the City Council further recognizes that some citizens of the City of Maplewood wish to utilize their primary legal residence as a short-term vacation rental property temporarily when they are not using the property; and

WHEREAS, after due consideration, the City Council now finds and determines that it would be in the best interest of the City to allow such citizens to rent their primary legal residence as a short-term vacation rental property while they are not using the residence for up to thirty nights per year and that doing so will have a limited impact on residential neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Chapter 14, Article XIII, Section 14-802. Short term vacation rentals. is hereby amended by deleting the existing subsection (c) and replacing it with the following:

- (c) The owner of the short term vacation rental shall spend the night on-site at the short term vacation rental property at all times during the term of any short term vacation rental except that during each short term rental permit year (from July 1 to June 30), the owner may rent the short term vacation rental for a total of thirty (30) days without spending the night on-site as otherwise required herein.

Section II. Chapter 14, Article XIII, Section 14-802. Short term vacation rentals. is hereby amended by deleting subsection (d) in its entirety.

Section III. This ordinance shall take effect and be in force from and after its passage and approval as provided by law.

Passed this 8th day of November, 2022

Nikylan Knapper
Nikylan Knapper, Mayor

Attest: Karen Scheidt
Karen Scheidt, City Clerk

Approved this 8th day of November, 2022

Nikylan Knapper
Nikylan Knapper, Mayor

Attest: Karen Scheidt
Karen Scheidt, City Clerk

BILL NO. 6207

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING MISSOURI AMERICAN WATER COMPANY TO INSTALL A FIRE HYDRANT AT OR NEAR THE SOUTHEAST CORNER OF 2914 BARTOLD AVENUE (SUNNEN STATION PHASE 2)

WHEREAS, Missouri American Water Company is requesting approval to install a new fire hydrant to service the apartment complex known as Sunnen Station Phase 2 which requires City of Maplewood approval; and

WHEREAS, the placement of the hydrant has been approved by the City of Maplewood's Fire Marshal

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Missouri American Water Company is hereby authorized to install one new fire hydrant, at or near the southeast corner of 2914 Bartold Avenue within the City of Maplewood, Missouri.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO. 6208

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 - BUSINESSES AND BUSINESS REGULATIONS, ARTICLE II. – OCCUPATIONAL LICENSING GENERALLY, DIVISION 1. – GENERALLY, SEC. 14-21. – FEES. TO MODIFY THE REQUIRED ANNUAL BUSINESS LICENSE FEE PAYMENTS FOR AUTOMOBILE DEALERSHIPS, NEW AND USED

WHEREAS, the City Council of the City of Maplewood approved Ordinance #4491 on April 23, 1991 which established the fees for merchants and manufacturers within the City of Maplewood to pay an annual business license fee of \$1.00 for every \$1,000 of gross receipts; and

WHEREAS, the City Council of the City of Maplewood approved Ordinance #5122 on September 9, 2003 to reduce the required annual fees automobile dealership merchants were required to pay within the City of Maplewood; and

WHEREAS, the typical cost of an automobile has significantly increased since 2003 and because of this, the percentage of sales being captured by the City of Maplewood has decreased.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance No. 5573, as amended, and codified at subsection (a) of Sec. 14-21. – Fees, of Chapter 14 – Businesses and Business Regulations, Article II. – Occupational Licensing Generally, Division 1. – Generally, is hereby amended by amending the text that establishes fees for *Automobile dealerships, new and used* to read as follows:

Automobile Dealerships, New and Used

\$1.00 per \$1,000 gross receipts up to \$4,000,000

\$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000

\$0.50 per \$1,000 gross receipts \$8,000,001 and up

Section II. The remaining text in subsection (a) of Sec. 14-21. – Fees. shall remain the same.

Section III. This ordinance will become effective 60 days after the voters of the City of Maplewood pass a ballot measure that authorizes the increased fees laid out in this ordinance.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO. 6209

ORDINANCE NO.

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF INCREASING THE ANNUAL LICENSE FEE FOR AUTOMOBILE DEALERSHIPS, NEW AND USED.

WHEREAS, the City Council of the City of Maplewood wishes to increase the annual licensing fee imposed on new and used automobile dealerships in the City; and

WHEREAS, the City Council of the City of Maplewood desires to call an election for approval of the annual licensing fee pursuant to the Hancock Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. An election is hereby ordered to be held in the City of Maplewood, Missouri on Tuesday, April 4, 2023, on the following proposition:

PROPOSITION A

Shall the City of Maplewood, Missouri, increase the annual licensing fee on new and used automobile dealerships as follows: to \$1.00 per \$1,000 gross receipts up to \$4,000,000; \$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000; and \$0.50 per \$1,000 gross receipts \$8,000,001 and up?

YES ()

NO ()

Section II. The City Clerk shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a Notice of Election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted. The form of the notice of election shall be in substantially the same form as set forth on Exhibit A attached hereto, subject to any modifications as may be required by the Board of Election Commissioners of St. Louis County.

Section III. The Board of Election Commissioners of St. Louis County shall conduct such election according to the law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish such notice of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accord with the statutes of the State of Missouri and the ordinances of the City of Maplewood, Missouri.

Section IV. This being an ordinance providing for the submission to the people, it is hereby declared to be an emergency measure and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Passed this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest: _____
Karen Scheidt, City Clerk

Approved this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest: _____
Karen Scheidt, City Clerk

EXHIBIT A

**NOTICE OF ELECTION
City of Maplewood, Missouri**

Notice is hereby given to the qualified voters of the City of Maplewood, Missouri (the "City") that the City Council of the City has called an election to be held in the City on Tuesday, April 4, 2023, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF MAPLEWOOD, MISSOURI

APRIL 4, 2023

PROPOSITION A

Shall the City of Maplewood, Missouri, increase the annual licensing fee on new and used automobile dealerships as follows: to \$1.00 per \$1,000 gross receipts up to \$4,000,000; \$0.75 per \$1,000 gross receipts \$4,000,001 to \$8,000,000; and \$0.50 per \$1,000 gross receipts \$8,000,001 and up?

YES ()

NO ()

INSTRUCTIONS TO VOTERS: If you are in favor of a proposition, place an X in the box opposite "YES." If you are opposed to a proposition, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

[locations to be added by the Board of Election Commissioners]

DATED: _____, 2023

Board of Election Commissioners
of St. Louis County, Missouri

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 14 – BUSINESSES AND BUSINESS REGULATIONS, ARTICLE IX. – PEDDLERS, SOLICITORS AND MOBILE FOOD VENDORS, RELATING TO MOBILE FOOD VENDORS.

WHEREAS, the popularity of food trucks and other mobile food preparation and vending equipment has increased;

WHEREAS, the City Council wishes to accommodate its residents and businesses who may wish to utilize mobile food vending equipment; and,

WHEREAS, the proposed regulations balance the interests of the City, residents, and businesses, while ensuring the proper use of streets, sidewalks and City property as well as compliance with health and safety standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Division 3. of Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors of the Code is hereby renamed from “Mobile Vendors” to “Mobile Vendors – ice, cream, milk, butter, tea, coffee.”

Section II. Sec. 14-500. – Food Trucks. of the Code is hereby repealed in its entirety.

Section III. A new Division 4 is hereby added to Chapter 14 – Businesses and business regulations, Article IX. – Peddlers, solicitors and mobile food vendors, as follows:

DIVISION 4. - MOBILE FOOD VENDORS

Sec. 14-500. - Applicability of division.

This division shall not apply to vendors of ice, cream, milk, butter, tea or coffee, which are regulated pursuant to Chapter 14, Article IX, Division 3.

Sec. 14-501. – Definitions

The following words, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food vendors means persons or business entities operating mobile food units or pushcarts engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces.

Mobile food unit means an enclosed vehicle-mounted food establishment that is designed to be readily movable and from which food is composed, compounded, processed, or prepared.

Pushcart means a non-self-propelled vehicle designed to be readily movable which is limited to the serving of non-potentially hazardous food maintained at proper temperatures or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.

Restaurant means any establishment with a permanent location in the City of Maplewood where food or beverage of any kind is sold for consumption on the premises, in motor vehicles parked on the premises, or in any place on the premises outside the building where the food or beverage is prepared, excluding churches, schools, daycares and retirement homes.

Sec. 14-502. – Mobile Food Vendor Permits

- (a) No mobile food vendor shall operate a mobile food unit or pushcart in the city without having a valid mobile food vendor permit issued by the city clerk under the provisions of this division.
- (b) Any permit issued under this division shall be nontransferable and unassignable.
- (c) All catering, public use, and special use permits issued pursuant to this division shall be for single day use only. All festival use permits issued pursuant to this division shall be issued for the duration of the event, but may not exceed 3 consecutive days.
- (d) The issuance of a mobile food vendor permit does not grant or entitle the mobile food vendor to the exclusive use of any street. A predetermined and City-approved location will be stated on the permit and a temporary no parking sign will be provided by the City if located on public property.
- (e) The appropriate permit must be requested and obtained from the following four (4) options:
 - (1) Catering Permit shall be issued for the purpose of catering to a private event that is not open to the general public. Mobile food vendors obtaining a catering permit shall not sell, vend, or serve members of the public or any person not participating in the private event. Payment for goods must be made to the mobile food vendor by the sponsor of the private event, as in the case of typical catering services; no payments may be collected by or on behalf of the vendor from consumers. There is no fee for a catering permit.
 - (2) Public Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public in the Light Manufacturing Zoning District and the Sunnen Business Park PUD only.
 - (3) Special Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public inside of the 7100 block of Manchester and shall not be issued for use on any date coinciding with any fair, festival, special event or civic event that has been approved by the City. The City shall issue no more than eleven (11) special use permits per calendar year and no more than two (2) special use permits in a single month.
 - (4) Festival Use Permit shall be issued for a fee of sixty dollars (\$60) for the purpose of selling to the general public as part of any fair, festival, special event, or civic event that has been approved by the City. If the mobile food vendor requesting a permit also operates as a Restaurant in the City, then the fee

associated with obtaining a festival use permit shall be waived by the City. Only vendors who have been approved by the organizers of the fair, festival, special event, or civic event are eligible to request a festival use permit. The City shall issue no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day. The Maplewood Richmond Heights School District shall not be subject to the limits set forth in the foregoing sentence, provided, however, that no more than eleven (11) festival use permits per calendar year and no more than two (2) festival use permits per day shall be issued for events sponsored by the Maplewood Richmond Heights School District and that such events are held on school property or in a public park.

- (f) The city clerk shall have the authority to make, amend, revoke and enforce rules and regulations governing the application for and issuance of permits.

Sec. 14-503. – Business License - When Required.

- (a) Any person or entity desiring to obtain a mobile food vendor permit for public use, special use, or festival use must procure from the city clerk a business license in accordance with Chapter 14. The issuance of such a business license shall be subject to the following additional requirements:

- (1) the mobile food vendor must acquire and provide copies of a current and valid mobile food establishment or pushcart permit issued by St. Louis County Department of Public Health.
- (2) the mobile food vendor must provide to the city clerk proof of an automobile insurance policy, in the amount of no less than fifty thousand dollars/one hundred thousand dollars/ten thousand dollars (\$50,000/\$100,000/\$10,000) issued by an insurance company licensed to do business in the State, covering all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the license or permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance written notice to the City.

- (b) Any person or entity desiring to obtain a catering permit is not required to procure from the city clerk a business license in accordance with Chapter 14 but shall be subject to the requirements set forth in subsection (a)(1) and (2) of this section.

Section 14-504. – Regulations.

Any person or entity operating as a mobile food vendor is required to comply with the following regulations:

- (a) Mobile food vendors shall display the permit issued by the City pursuant to Sec. 14-502 on the mobile food unit or pushcart in a prominent location that is visible to the public;
- (b) Mobile food vendors shall only sell food and beverages and the sale of alcohol and/or beer is prohibited. Beverages shall be dispensed in cans or paper/plastic cups and shall not be glass or Styrofoam;

- (c) Mobile food vendors shall comply with all federal, state, and local regulations pertaining to the quality of food and beverage products offered for sale;
- (d) Mobile food vendors shall comply with all applicable federal, state, and local laws, rules and regulations, including, without limitation, applicable provisions of the Maplewood Zoning Code and all applicable St. Louis County regulations;
- (e) Operation as a mobile food vendor business (cooking, sales, distribution) shall take place within a mobile food unit and/or through a vending window or directly from a pushcart;
- (f) BBQ pits, canopies, and indoor seating inside mobile food units are not allowed; mobile food vendors may utilize outside seating consisting of one portable table with a maximum seating capacity of four;
- (g) Signage shall be contained to the surface of the mobile food unit or pushcart;
- (h) Mobile food vendors shall provide a trash receptacle with a self-closing lid for use by patrons. All items, containers, debris, litter, and garbage incidental to the operation of the mobile food units or pushcarts shall be collected and disposed of by the mobile food vendor and no trash produced by a mobile food vendor or its patrons shall be placed in or beside any public or private trash container, unless owned by vendor or with written consent of property owner. Trash shall not be disposed of in any drain along the streets and sidewalks. The cleanliness of the area of operation shall be the sole responsibility of the mobile food vendor;
- (i) All lights on mobile food units or pushcarts (other than headlights which may not be used once parked) or otherwise used by mobile food vendor shall be designed so that the light source is shielded with an opaque material and is not directed at adjacent businesses or residences;
- (j) Mobile food units shall be parked in conformance with all applicable parking restrictions when parked on public streets;
- (k) Mobile food units shall not, under any circumstances, stop, stand or park a vehicle upon any street during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance;
- (l) Mobile food vendors shall not in any way restrict or interfere with the ingress or egress of the abutting property owner or tenant or otherwise hinder the lawful parking or operation of other vehicles;
- (m) Mobile food vendors shall not increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles;
- (n) Mobile food vendors shall not stop, stand or park upon any street, or permit the vehicle to remain in the roadway except when at the curb for the purpose of vending therefrom;
- (o) Mobile food vendors shall not operate on private property without first obtaining written consent from the property owner. A private property owner shall not permit parking of a mobile food vendor operation until a permit has been granted by the City and that permit is in effect. Overnight parking is prohibited;

- (p) Any power or fuel required for the mobile food unit or pushcart shall be self-contained, and a mobile food vendor shall not use utilities drawn from the public right-of-way;
- (q) When parked on a thoroughfare mobile food vendors shall not operate within:
 - (1) Fifteen (15) feet of any entranceway to any building;
 - (2) Fifteen (15) feet of any driveway entrance to a police or fire station;
 - (3) One hundred (100) feet of a crosswalk or intersection;
 - (4) Fifty (50) feet of any bus stop sign;
- (r) Mobile food vendors shall not operate within five hundred (500) feet of an existing Restaurant located in the city limits of the City of Maplewood, unless operating pursuant to a catering permit or festival use permit.;
- (s) Mobile food vendors shall comply with the Maplewood Noise Code;
- (t) Mobile food vendors shall not operate between the hours of 11:00 p.m. and 6:00 a.m.;
- (u) Mobile food vendors shall not store their mobile food units, pushcarts, or any other equipment outdoors overnight on any property within the City other than on property owned by the vendor of the mobile food unit or pushcart on which such vendor operates a Restaurant.

Section 14-505. – Enforcement.

- (a) Any owner, manager, and/or operator operating as a mobile food vendor in violation of any provision of this Division shall be subject to all other enforcement provisions of this Code.
- (b) The owner, manager, and/or operator of a mobile food vendor that is in violation of this Division shall be punishable by a fine of not less than one hundred dollars (\$100) for the first (1st) offense and not less than two hundred fifty dollars (\$250) for the second (2nd) and subsequent violations, which fines shall be recovered for the use of the City of Maplewood. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the City may seek recovery costs of any other legal and equitable remedies as may be available to the city.

Section 14-506. – Denial or Revocation of Mobile Food Vendor Permit.

- (a) In addition to any penalties generally applicable to the violation of provisions of this Code, any mobile food vendor permit issued pursuant to this Division may be revoked by the city clerk for failure to comply with the provisions of this Division and any rules or regulations promulgated by the City.
- (b) Any mobile food vendor who has violated this Division may be permanently prohibited from obtaining a mobile food vendor permit after one (1) violation, but shall be permanently prohibited from obtaining mobile food vendor permit after three (3) violations.
- (c) Any person aggrieved by the decision of the city clerk to revoke a mobile food vendor permit or permanently prohibit such mobile food vendor from obtaining a mobile food vendor permit shall have the right to appeal to the city council. Such appeal shall be taken

by filing with the city council a written statement fully setting forth grounds for the appeal within fourteen (14) days after notice of the revocation or permanent prohibition has been provided in person or mailed to the mobile food vendor's last-known address, as shown in the City's mobile food vendor or licensing records. The city council shall set a hearing to consider the question of the suspension. At least ten (10) days prior to the date of the hearing, a written notice shall be mailed to the mobile food vendor at his/her last known address in the as shown in the City's mobile food vendor or licensing records advising the appellant of the date, time, and place of the hearing. At the hearing set by the city council, the appellant shall have an opportunity to be heard by the city council and the city council shall consider all evidence relevant to the grounds for the revocation and/or prohibition. The city council shall have the authority to overturn the prohibition upon the affirmative vote of a majority of the council. The decision and order of the city council on such appeal shall be final and conclusive.

Section III. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section IV. This ordinance will become effective 30 days after the voters of the City of Maplewood pass a ballot measure that authorizes the permit fees laid out in this ordinance.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING CHAPTER 36 – PARKS AND RECREATION, ARTICLE III. – PARK RULES, DIVISION 2. – PROHIBITED CONDUCT, SEC. 36-87. – SELLING; ADVERTISING; POSTING SIGNS, RELATING TO MOBILE FOOD VENDORS.

WHEREAS, with the very limited exceptions, the Maplewood Code of Ordinances does not currently allow for commercial activities to take place in Maplewood’s public parks;

WHEREAS, the City Council is amending its ordinances to allow mobile food vendors to sell food and drinks in the City in certain circumstances by obtaining a permit;

WHEREAS, the City Council wishes to allow mobile food vendors who obtain a “festival use permit” as set forth in the new mobile food vendor ordinance set forth in Chapter 14, Article IX of the Code, to operate in the City’s parks; and

WHEREAS, the City Council continues to regulate the activities that take place in its public parks in order to promote of public health, welfare, and safety of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Subsection (1) of the Sec. 36-87. – Selling; advertising; posting signs, of Chapter 36 – Parks and Recreation, Article III. – Park Rules, Division 2. – Prohibited conduct, is hereby amended as follows (adding the bold and deleting the stricken through language):

No person in a park shall:

- (1) Expose or offer for sale any article, thing, or service, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here **hereby** made ~~as to any~~ **for the following**:
 - a. **Any** regularly licensed concessionaire acting by and under the authority and regulation of the director of public works;
 - b. **Any mobile food vendor who has first obtained a festival use permit, as set forth in Chapter 14, Article IX, Division 4 of the Code;**
 - c. **Any** licensed and insured exercise facility with a physical location in the City of Maplewood, to offer exercise classes in the city's public parks, so long as such exercise facility first obtains a use permit as set forth in section 36-90 of this chapter, regardless of the number of individuals who will be participating.

Section II. The remaining text in Sec. 36-87. Selling; advertising; posting signs shall remain the same.

Section III. This ordinance will become effective only upon the effectiveness of Bill No. _____, Ordinance No. _____, amending Chapter 14, Article IX of the Code.

Passed this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

BILL NO. 6212

ORDINANCE NO.

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN THE CITY OF MAPLEWOOD, MISSOURI, ON APRIL 4, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MAPLEWOOD THE QUESTION OF CHARGING MOBILE FOOD VENDORS A FEE FOR THE ISSUANCE OF A PUBLIC USE PERMIT, SPECIAL USE PERMIT, AND FESTIVAL USE PERMIT TO OPERATE IN THE CITY OF MAPLEWOOD, AND DIRECTING THE CITY CLERK TO NOTIFY THE RESPONSIBLE ELECTION AUTHORITIES OF THIS ELECTION.

WHEREAS, the City Council of the City of Maplewood has enacted ordinances for the regulation of mobile food vendors operating in the City of Maplewood;

WHEREAS, the responsibilities and duties of regulating mobile food vendors includes the issuance of certain permits, including public use permits, special use permits, and festival use permits, which allow mobile food vendors to vend in the City of Maplewood;

WHEREAS, the City Council believes it is necessary that the City charge a reasonable fee to offset the services it provides and its activities in connection with its responsibilities and duties;

WHEREAS, the City Council believes that the cost to the City incurred by the services it provides and its activities in connection with its responsibilities and duties should be borne by those mobile food vendors requiring or enjoying such services or activities; and

WHEREAS, the City Council of the City of Maplewood desires to call an election for approval of imposing permit fees on mobile food vendors pursuant to the Hancock Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. An election is hereby called and ordered to be held in the City of Maplewood, Missouri on Tuesday, April 4, 2023, on the following proposition:

PROPOSITION B

Shall the City of Maplewood, Missouri, be authorized to impose a permit fee of up to \$60.00 per day, to be paid by mobile food vendors, for the issuance of a permit (public use permit, special use permit, or festival use permit) to operate in the City of Maplewood?

YES ()

NO ()

Section II. The City Clerk shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a Notice of Election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted. The form of the notice of election shall be in substantially the same form as set forth

on Exhibit A attached hereto, subject to any modifications as may be required by the Board of Election Commissioners of St. Louis County.

Section III. The Board of Election Commissioners of St. Louis County shall conduct such election according to the law and certify the results thereof. Said Board of Election Commissioners shall designate such polling places as shall be required for said election and shall appoint such necessary election officials as may be required for the conduct thereof. Said Board of Election Commissioners shall also publish such notice of said election as shall be required by law and shall do and perform such other necessary acts as may be required to conduct such election in accord with the statutes of the State of Missouri and the ordinances of the City of Maplewood, Missouri.

Section IV. This being an ordinance providing for the submission to the people, it is hereby declared to be an emergency measure and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Passed this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

Approved this 10th day of January, 2023

Nikylan Knapper, Mayor

Attest:

Karen Scheidt, City Clerk

EXHIBIT A

**NOTICE OF ELECTION
City of Maplewood, Missouri**

Notice is hereby given to the qualified voters of the City of Maplewood, Missouri (the "City") that the City Council of the City has called an election to be held in the City on Tuesday, April 4, 2023, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF MAPLEWOOD, MISSOURI

APRIL 4, 2023

PROPOSITION B

Shall the City of Maplewood, Missouri, be authorized to impose a permit fee of up to \$60.00 per day, to be paid by mobile food vendors, for the issuance of a permit (public use permit, special use permit, or festival use permit) to operate in the City of Maplewood?

YES ()

NO ()

INSTRUCTIONS TO VOTERS: If you are in favor of a proposition, place an X in the box opposite "YES." If you are opposed to a proposition, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

[locations to be added by the Board of Election Commissioners]

DATED: _____, 2023

Board of Election Commissioners
of St. Louis County, Missouri