

BOARD BILL # 5

INTRODUCED BY ALDERMAN FREEMAN BOSLEY, SR.

1 An ordinance pertaining to Home Day Cares; amending Section 310.5.1 of Section Three
2 of Ordinance 64771 by requiring Home Day Care applicants for Home Occupation Permit
3 Waivers to provide a Lead Risk Assessment and Final Clearance Test or an affidavit attesting
4 that the residence was built after 1978 prior to receiving a Home Occupation Permit Waiver;
5 containing an emergency clause.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE.** Section 310.5.1 of Section Three of Ordinance 64771 is hereby
8 amended to read as follows:

9 310.5.1 Care facilities: A care facility which accommodates four or less occupants of any
10 age shall be classified as Use Group R-3.

11 310.5.2 Care facilities providing home day care licensed by the State of Missouri: Family
12 Child Care Homes providing home day care for more than four unrelated children at any one
13 time are exempt from this code if they meet the licensing capacities listed below, possess a valid
14 State of Missouri license, are inspected by the Missouri Department of Health and the State of
15 Missouri Fire Marshal's Office and meet all provisions of the Zoning Ordinance of the City of
16 Saint Louis.

17 1. If there is one adult provider, the family child care home shall be allowed to be
18 licensed for up to six children including a maximum of three children under age two, or for up to
19 ten children including a maximum of two children under age two. If only four children are
20 present, all the children shall be permitted to be under the age of two.

1 2. If the provider has an adult assistant present, the family child care home shall be
2 allowed to be licensed for up to ten children including a maximum of four children under age
3 two, or for up to eight children who shall be permitted to be all under age two.

4 3. A family child care home shall be allowed to be licensed at maximum capacity for
5 a period of eighteen consecutive hours of the twenty-four hour day. For the remaining six hours
6 of the twenty-four hour day, care shall be allowed to be provided for one-third the licensed
7 capacity of the home.

8 If the applicant furnishes a copy of their State of Missouri Family Child Care Home
9 License for ten children or less and a Lead Risk Assessment and Final Clearance Test or an
10 affidavit attesting that the residence was built after 1978, they shall receive a Home Occupation
11 Permit Waiver subject to approval by the Board of Public Service as a Conditional Use or the
12 Board of Adjustment as a Variance to the Zoning Code.

13 If an occupancy permit waiver is issued, the Building Division - Inspection
14 Section will not inspect such State Licensed Family Child Care Home, unless a Building Code or
15 Zoning Ordinance complaint is received. Zoning Ordinance complaints will be investigated by
16 the Building Division; however, Building Code complaints will be forwarded to the State of
17 Missouri, Department of Health, Bureau of Child Care Safety and Licensure. Should seven
18 calendar days elapse without response from the State of Missouri, Department of Health, Bureau
19 of Child Care Safety and Licensure, the Building Division is empowered to investigate the
20 complaint.

21 SECTION TWO Emergency clause.

April 29, 2005

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Sponsor: Alderman Bosley

1 This being an ordinance for the preservation of public peace, health, and safety, it is
2 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article
3 IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon
4 its passage and approval by the mayor.