

Summary

Board Bill Number 223

Primary Sponsor: Alderwoman Sharon Tyus

January 8, 2021

This ordinance would prohibit the use of alleys by operators of motor vehicles for drive through traffic in the following Neighborhoods: Kingsway East, Kingsway West, Penrose excluding that portion of Penrose Neighborhood in the 21st Ward and contains a penalty clause and an emergency clause.

BOARD BILL NUMBER 223 INTRODUCED BY: ALDERWOMAN SHARON TYUS

1 An ordinance to protect the public health, safety and welfare by prohibiting the use of
2 alleys by operators of motor vehicles for drive through traffic in the following Neighborhoods:
3 Kingsway East, Kingsway West, Penrose excluding that portion of Penrose Neighborhood in
4 the 21st Ward (from Natural Bridge to the South to I-70 to the South, Shreve to the West and
5 Taylor to the East), Mark Twain excluding that portion of the Mark Twain Neighborhood in
6 the 27th Ward (the west side of Claxton, headed west to the east side of Emerson), containing a
7 penalty clause and an emergency clause.

8 **WITNESSETH THAT,**

9 **WHEREAS,** Missouri Revised State Statute 82.190 provides that Cities have exclusive
10 control of public highways and such cities shall have exclusive control over its public
11 highways, streets, avenues, alleys and public places, and shall have exclusive power, by
12 ordinance, to vacate or abandon any public highway, street, avenue, alley or public place, or
13 part thereof, any law of this state to the contrary notwithstanding.

14 **WHEREAS,** The Board of Alderman declares that the public alleys of the city are
15 constructed and maintained primarily to provide limited access to abutting residential and
16 commercial property, and are not intended or designed for use as through streets.

17 **WHEREAS,** The Board of Aldermen finds that it is necessary to limit access to public
18 alleys in order to address the use of public alleys by operators of motor vehicles who use alleys
19 to avoid traffic congestion on city streets, thereby increasing the risk of bodily injury and
20 property damage by increasing vehicular traffic in alleys which are not designed to safely carry

1 such traffic; to address the costly problem of illegal dumping in the alleys by persons who do
2 not reside in or own the abutting property; to address problems of "cruising" alleys in motor
3 vehicles by persons who do not reside or conduct business in abutting property or who are not
4 invitees to abutting property, which can lead to vandalism, burglary or other criminal activity.

5 **WHEREAS**, The Board of Aldermen finds that the protection of the public health,
6 safety and welfare requires that traffic in public alleys be restricted to protect residential
7 neighborhoods and to insure that use of public alleys by operators of motor vehicles is
8 consistent with the purpose of such alleys as stated in this section;

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

10 **SECTION ONE: Definitions**

11 *Abutting property* is defined as that property that is adjacent, touches, joins at the edge or
12 borders upon or against the alley.

13 *An alley* is defined as a lane, path, or passageway, usually used for vehicular traffic, which
14 runs between or behind the property directly abutting the alley, constructed and maintained
15 primarily to provide limited access to abutting residential and commercial property are usually
16 less than 20 feet, and are not intended or designed for use as through streets.

17 *Through traffic* is defined as traffic initiated at *and* destined for points outside the
18 residential or commercial property that abuts the alley.

19 **SECTION TWO. Restriction**

1 No person may operate a motor vehicle on a public alley in the following
2 Neighborhoods: Kingsway East, Kingsway West, Penrose excluding that portion of Penrose
3 Neighborhood in the 21st Ward (from Natural Bridge to the South to I-70 to the South, Shreve
4 to the West and Taylor to the East), Mark Twain excluding that portion of the Mark Twain
5 Neighborhood in the 27th Ward (the west side of Claxton, headed west to the east side of
6 Emerson)unless directed to do so by a peace officer, authorized traffic code enforcement
7 personnel or authorized traffic control device, **except**

- 8 (1) abutting property owners,
- 9 (2) tenants of the abutting property,
- 10 (3) the abutting property owners guests or invitees, or
- 11 (4) tenants of the abutting property guest or invitees.

12 Those persons listed above must also operate the motor vehicle in the alley in a lawful
13 manner.

14 This section **shall not** be interpreted to preclude use of alleys by the following:

- 15 (1) Persons performing authorized law enforcement activities on behalf of any law
16 enforcement agency;
- 17 (2) Persons providing emergency medical or fire services;
- 18 (3) Persons performing public service activities or inspections on behalf of state,
19 federal or city regulatory agencies or departments;
- 20 (4) Persons performing installation, maintenance or inspection activities for public
21 or private utility or communications companies; and

1 (5) Federal, State, and local elected and party officials of the City of St. Louis.

2 **SECTION THREE. Penalty**

3 The person driving a motor vehicle which is stopped, standing, or parked in violation of
4 any section of this ordinance, is guilty of violation of this ordinance and subject to as provided
5 by this ordinance.

6 Any person convicted of violating the provisions of this ordinance shall be punished by a
7 fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars
8 (\$500.00). If a person is convicted of a second violation of this ordinance within a five (5) year
9 period, such person shall be punished by a fine of not less than two hundred dollars (\$200.00)
10 nor more than five hundred dollars (\$500.00). A person convicted of a third violation shall be
11 punished by a fine of not less than three hundred dollars (\$300.00) nor more than five hundred
12 dollars (\$500.00). A person convicted of a fourth violation shall be punished by a fine of not
13 less than four hundred dollars (\$400.00) nor more than five hundred dollars (\$500.00). A
14 person convicted of a fifth or subsequent violation shall be punished by a fine of five hundred
15 dollars (\$500.00).

16 This section does not prohibit or limit the criminal, administrative or civil prosecution of
17 a motor vehicle operator for violating any provision of this ordinance.

18 **SECTION THREE. Emergency Clause.**

19 This being an ordinance for the preservation of public peace, health and safety, it is hereby
20 declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of

- 1 the Charter of the City of St. Louis and therefore this ordinance shall become effective
- 2 immediately upon its passage and approval by the Mayor.