

**Summary**

**Board Bill Number 41**

**Introduced by: Alderwoman Sharon Tyus**

**May 27, 2021**

This ordinance would protect the public health, safety and welfare by prohibiting the use of alleys by operators of motor vehicles for drive through traffic in the Kingsway East, Kingsway West, Penrose, Mark Twain neighborhoods and containing a penalty clause and an emergency clause.

**BOARD BILL NUMBER 41 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, Mark Twain, requiring the posting of those allowed  
4 to use of the alley, containing a penalty clause and an emergency clause.

5 **WITNESSETH THAT,**

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

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

14 **WHEREAS,** The Board of Aldermen finds that it is necessary to limit access to public  
15 alleys in order to address the use of public alleys by operators of motor vehicles who use alleys  
16 for a multitude of reasons for which the alleys were not created for which cause a number of  
17 problems, including but not limited to: the very costly City of St. Louis problem of illegal  
18 dumping in the alleys by persons who do not reside in or own the abutting property; increased  
19 speeding vehicular traffic in alleys which are not designed to safely carry such traffic thereby  
20 increasing the risk of bodily injury and property damage by those speeding through alleys; to

1 address problems of "cruising" alleys in motor vehicles by persons who do not reside or  
2 conduct business in abutting property or who are not invitees to abutting property, which can  
3 lead to vandalism, burglary or other criminal activity such as the sales of illegal drugs.

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

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

9 **SECTION ONE: Definitions**

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

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

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

18 *Refuse* is defined as item thrown away placed in trash, yard waste, or recyclables City  
19 approved containers or Bulk items or other items legally or illegally deposited in alleys.

1    **SECTION TWO. Restriction**

2           No person may operate a motor vehicle on a public alley in the following  
3    Neighborhoods: Kingsway East, Kingsway West, Penrose, Mark Twain unless directed to do  
4    so by a peace officer, authorized traffic code enforcement personnel or authorized traffic  
5    control device, **except**

- 6           (1) abutting property owners,
- 7           (2) tenants of the abutting property,
- 8           (3) the abutting property owners guests or invitees, or
- 9           (4) Federal and State Elected Officials, and Local and Party Elected Officials in the City  
10          of St. Louis,
- 11          (5) Committee persons in the City of St. Louis,
- 12          (6) City of St. Louis Refuse employees collecting refuse in said alleys,
- 13          (7) Police, Fire, EMT, and other emergency personnel
- 14          (8) Utility employees servicing customers abutting the alley,
- 15          (9) Tow truck drivers servicing a vehicle of one of the abutting properties on the alley.

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

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

- 19           (1) Persons performing authorized law enforcement activities on behalf of any law  
20           enforcement agency;
- 21           (2) Persons providing emergency medical or fire services;

1 (3) Persons performing public service activities or inspections on behalf of state,  
2 federal or city regulatory agencies or departments;

3 (4) Persons performing installation, maintenance or inspection activities for public  
4 or private utility or communications companies; and

5 (5) Federal and State Elected Officials, and Local and Party Elected Officials in the  
6 City of St. Louis.

7 **SECTION FOUR: Posting**

8 In order for said ordinance to be effective law, said alley must be posted within three  
9 feet of all egresses into the alley on a sign that notifies drivers of vehicles those who are  
10 allowed in the alley and those who are prohibited in the alley.

11 **SECTION FIVE. Penalty**

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

15 Any person convicted of violating the provisions of this ordinance shall be punished by a  
16 fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars  
17 (\$500.00). If a person is convicted of a second violation of this ordinance within a five (5) year  
18 period, such person shall be punished by a fine of not less than two hundred dollars (\$200.00)  
19 nor more than five hundred dollars (\$500.00). A person convicted of a third violation shall be  
20 punished by a fine of not less than three hundred dollars (\$300.00) nor more than five hundred

1 dollars (\$500.00). A person convicted of a fourth violation shall be punished by a fine of not  
2 less than four hundred dollars (\$400.00) nor more than five hundred dollars (\$500.00). A  
3 person convicted of a fifth or subsequent violation shall be punished by a fine of five hundred  
4 dollars (\$500.00).

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

7 **SECTION SIX. Emergency Clause.**

8 This being an ordinance for the preservation of public peace, health and safety, it is hereby  
9 declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of  
10 the Charter of the City of St. Louis and therefore this ordinance shall become effective  
11 immediately upon its passage and approval by the Mayor.