

INTRODUCED BY  
ALDERWOMAN CHRISTINE INGRASSIA,  
ALDERWOMAN CARA SPENCER,  
ALDERWOMAN SARAH MARTIN,  
ALDERMAN SHANE COHN,  
ALDERMAN DANIEL GUENTHER,  
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1 An Ordinance ~~pertaining to preventing~~ **facilitating safe** passage to and from a health care  
2 facility~~ies~~ and prohibiting activities near certain facilities; containing a severability clause and  
3 an emergency clause.

4 **WHEREAS**, the Board of Aldermen recognizes that access to health care facilities for  
5 the purpose of obtaining medical counseling and treatment is imperative to the citizens of this  
6 City and community;

7 ~~WHEREAS, the exercise of a person's right to protest or counsel against certain medical~~  
8 ~~procedures must be balanced against another person's right to obtain medical counseling and~~  
9 ~~treatment in an unobstructed manner;~~

10 **WHEREAS**, there is a documented history of obstruction of and interference with the  
11 free movement of vehicular and pedestrian traffic in health care facility driveways;

12 **WHEREAS**, St. Louis passed an ordinance in 2012 prohibiting impeding and  
13 interfering with pedestrian and vehicular traffic, Ord. No. 69282, § 4, but this ordinance  
14 has not been sufficiently able to ensure safe and unimpeded access to health care facilities  
15 in particular;

16 **WHEREAS**, the St. Louis police department has documented the difficulty in  
17 enforcing current ordinances to allow safe, unobstructed passage to health care facilities;

18 **WHEREAS**, the government has a legitimate interest in “ensuring public safety  
19 and order, promoting the free flow of traffic on streets and sidewalks, protecting property

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1 rights, and protecting a woman's freedom to seek pregnancy-related services.” *McCullen*  
2 *v. Coakley*, 134 S. Ct. 2518, 2535 (2014) (quoting *Schenck v. Pro-Choice Network of Western*  
3 *N.Y.*, 519 U.S. 357, 376 (1997));

4 WHEREAS, that preventing the willful obstruction of a person's access to medical  
5 counseling and treatment at a health care facility is a matter of City-wide concern;

6 WHEREAS, the size of the limited buffer zone outside of health care facilities’  
7 driveways located in St. Louis established by this Article is necessary to ensure that  
8 patients and employees of health care facilities have unimpeded access to health care  
9 services and that traffic on busy city streets can proceed safely while also ensuring that the  
10 First Amendment rights of people to communicate their message to their intended audience  
11 is not unduly restricted or overburdened;

12 WHEREAS, the Board of Aldermen therefore declares that it is appropriate to enact  
13 legislation that ~~prohibits a person from knowingly obstructing another person's~~ ensures safe,  
14 unobstructed entry to and ~~or~~ exit from a health care facility.

15 THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS:

16 SECTION ONE. Access to a healthcare facility

17 A. ~~A person violates this ordinance if such person~~ No person shall knowingly  
18 obstructs, detains, hinders, impedes, or blocks another person's entry to or exit from a health care  
19 facility.

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1           ~~B. Access to Driveway Areas. No person shall conduct any demonstration activity~~  
2 ~~within the driveway area or within eight (8) feet of the driveway area of a health care facility,~~  
3 ~~provided however that it shall be lawful for a person to use a public sidewalk or street right-of-~~  
4 ~~way adjacent to a health care facility. No person shall impede access to a driveway entrance of a~~  
5 ~~health care facility by any conduct which delays or impedes the flow of pedestrian or vehicular~~  
6 ~~traffic in or out of such facility. As used in this ordinance, the term "driveway area" refers to that~~  
7 ~~portion of a street right-of-way (including a sidewalk) generally improved for the purposes of~~  
8 ~~providing vehicular access to adjacent private property. At the request of a health care facility,~~  
9 ~~the City will indicate (such as through the use of painted lines) the perimeter boundaries of a~~  
10 ~~driveway area.~~

11           **B.       Access to Driveways**

12           **(1) No person shall knowingly enter, remain on, or create any obstruction within the**  
13 **driveway of a health care facility or within a public way or sidewalk within 8 feet of any**  
14 **portion of such facility's driveway during the facility's posted business hours.**

15           **(2) This subsection shall not apply to the following:**

- 16                   **(a) persons entering or leaving such facility;**  
17                   **(b) persons using the public sidewalk or street right-of-way adjacent to such**  
18                   **facility solely for the purpose of reaching a destination other than such**  
19                   **facility; and**

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**(c) law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment.**

**(3) Health care facilities shall clearly demarcate the zone authorized in (B)(1). Prior to demarcating such zone, a health care facility shall consult with local law enforcement to ensure compliance with this ordinance and relevant city ordinances.**

**C. For the purposes of this section this Ordinance, the following definitions will be used:**

**(1) "Driveway" means an entry from a public street to a public or private parking used by a healthcare facility**

**(2) "Health care facility" means any entity that is licensed, certified, or otherwise authorized or permitted by law to administer medical treatment in this state, including but not limited to any buildings, appurtenances and grounds, entrances, parking facilities, and driveways.**

~~**D. For purposes of this section, "demonstration activity" means all expressive and symbolic conduct, whether active or passive, which shall include, but not be limited to, protesting, picketing, distributing literature, and engaging in oral or silent protest, education or counseling activities.**~~

1           **SECTION TWO. Penalty Clause.**

2           **A.     Prior to issuing a citation for a violation of this section, a police officer or any**  
3 **law enforcement officer shall issue one written warning to an individual. If the individual**  
4 **fails to comply after one warning, such individual shall be given a citation. Failure to**  
5 **comply after one warning shall be cause for citation whether or not the failure or**  
6 **subsequent failures are contemporaneous in time with the initial warning.**

7           **B.     Any person violating any of the provisions of this Ordinance shall, for each such**  
8 **violation, upon conviction shall be subject to a fine of no less than one hundred dollars (\$100)**  
9 **and not more than five hundred dollars (\$500) or by imprisonment for not more than ninety days,**  
10 **or by both fine and imprisonment.**

11           **C.     This section shall not apply unless the demarcated zone authorized in**  
12 **[Section 1(B)] was in place at the time of the alleged violation.**

13           **SECTION THREE. Severability Clause.**

14           The provisions of this section are severable. If any provision of this ordinance is declared  
15 invalid, that invalidity shall not affect other provisions of the ordinance which can be given  
16 effect without the invalid provision. **Nothing in this Ordinance shall be interpreted or applied**  
17 **to create any right or obligation, or to impose any restriction on demonstration activity, in**  
18 **conflict with federal or state law.**

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1           **SECTION FOUR. Emergency Clause.**

2           The passage of this ordinance being deemed necessary for immediate preservation of the  
3 public peace, health and safety, an emergency is hereby declared to exist within the meaning of  
4 Section 20 of Article IV of the Charter, and this ordinance shall be in full 10 force and effect  
5 immediately upon its passage and approval by the Mayor

**BOARD BILL NO. 34CS**

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