

BILL NO. 6810

ORDINANCE NO. 6670

**AN ORDINANCE AMENDING CHAPTER 350 OF THE CLAYTON CITY CODE RELATING TO PARKING RESTRICTIONS AND ENFORCEMENT TO PROVIDE FOR CURBSIDE DELIVERY ZONES IN COMMERCIAL AREAS**

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**WHEREAS**, the City provides parking spaces on City streets and property for the convenience of motorists and patrons of businesses and services within the City of Clayton; and

**WHEREAS**, recent events have demonstrated an evolving and increasingly popular pattern in which patrons of Clayton's restaurants and retailers rely on the convenience and safety of curbside delivery and pick-up of goods rather than longer term vehicle parking and shopping or dining at the facility, and this pattern is reasonably expected to continue in the future; and

**WHEREAS**, the availability of curbside locations to deliver goods to customers is increasingly important to the success of Clayton's restaurateurs and retailers and, therefore, to the character and economic vitality of the City

**WHEREAS**, the City Manager should have the ability to establish fees and parking zone boundaries in accordance with certain guidelines in order to keep pace with changing circumstances and demands;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

**Section 1.** The title of Article IV of Chapter 350 of Title III of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended to add "Curbside Pickup" and shall hereafter read as follows:

**Chapter 350. Parking Regulations**

**Article IV. Valet And Curbside Pickup Parking Zones**

**Section 2.** Article IV of Chapter 350 of Title III of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 350.235, to read as follows:

## **Chapter 350. Parking Regulations**

### **Article IV. Valet And Curbside Pickup Parking Zones**

#### **Section 350.235 Establishment of Curbside Pickup Parking Zones**

A. Pursuant to the provisions of this Section, curbside pickup parking zones may be established on such public streets and in such places and for such times and in such number as shall be determined by the Director of Public Works to be in the best interest of the City, its citizens and visitors in order to provide convenient short-term parking near the point of destination in those portions of the City designated as commercial districts by Title IV, Zoning Regulations.

B. A curbside pickup parking zone shall be created only upon a written curbside pickup parking permit application submitted to the Director of Public Works by the owner or occupant of the property adjacent to the site of the proposed curbside pickup parking zone setting forth the terms of the proposed operation of the curbside pickup parking zone, which terms shall include, but may not be limited to, those set forth in this Section. Each such application must be accompanied by a non-refundable initial permit application fee of one hundred dollars (\$100.00). Each permit issued shall obligate the holder thereof (the "permittee") to operate the curbside pickup parking zone and perform all of the obligations, duties and responsibilities set forth in the permit and in this Section. The Director of Public Works may impose additional conditions or restrictions on the operation of a given permit as the Director may determine to be reasonable and necessary to protect public safety, avoid disruption or disadvantage to nearby residents or businesses, and in light of the location and surrounding circumstances at issue. All permits shall be subject to renewal by the Director of Public Works as of April first (1st) of every calendar year and payment of the annual fee of one hundred dollars (\$100.00) payable by the renewal date. In determining whether to renew a permit, the Director of Public Works shall consider the manner in which the curbside pickup parking zone has been operated, the degree to which the applicant has complied with the requirements set forth in this Section and the permit, whether the operation of the curbside pickup parking zone at that location has caused a traffic impediment, contributed to disruption of safe traffic movements or posed a safety hazard for motorists, and has been in the best interests of the City and its citizens and visitors.

C. Curbside pickup parking zones shall be established only in those areas designated as "commercial districts" pursuant to Title IV, Zoning Regulations of the Code of Ordinances of the City. Curbside pickup parking zones shall be established only on public streets and adjacent sidewalks as specified in the permit to be issued pursuant to Subsection **(B)** above. The Director of Public Works shall determine the location of all curbside pickup parking zones based on factors including, but not limited to, traffic flow, pedestrian safety, other no parking, valet and other restricted parking zones, and impact on the overall streetscape and business environment. No zone shall be greater than one on-street parking space.

D. Curbside pickup parking zones shall be restricted for use in conjunction with the operation of curbside pickup parking during the hours specified in the permit for each zone, but in no case shall the restriction be in force earlier than 7:00 A.M. or later than 10:00 P.M. Sunday through Saturday.

E. The City shall provide appropriate signage, at its cost, prohibiting parking in curbside pickup parking zones and designating such zones.

F. All vehicles to be parked in curbside pickup parking zones shall be limited to a maximum of ten (10) minutes.

G. The permittee, at its own expense and cost, shall keep the curbside pickup parking zone in a neat and clean condition, free from nuisance and filth and provide for the removal of snow, ice, trash and waste therefrom.

H. The permittee shall operate the curbside pickup parking zone, or cause the same to be operated, in accordance with all requirements of this Section and any conditions required by the applicable permit.

I. The City shall keep and maintain the sidewalk, street and curb of the curbside pickup parking zone in a manner comparable to the rest of the block in which the curbside pickup parking zone is located; provided that this obligation shall not limit or otherwise affect the City's right and power to specially assess for the cost of maintaining the same.

J. The permittee shall provide and maintain, at its own expense and cost, general liability insurance in full force and effect for the curbside pickup parking zones, in standard form generally in use in the State of Missouri with insurance companies having a current "best" rating of not less than A and a financial rating not less than Class VII and authorized

to do business in the State of Missouri in an amount determined by the City Manager from time to time on the basis of liability limits then applicable to the City and an assessment of the City's risks associated with the activity involved. Executed copies of said policies of insurance or certificates thereof shall be delivered to the Director of Public Works within thirty (30) days of the date on which the Director of Public Works authorizes the issuance of the permit. No permit shall be issued unless and until the policy or policies or certificate(s) have been delivered to the Director of Public Works. Not less than thirty (30) days prior to the expiration of the term of each such policy, a renewal or replacement insurance policy or certificate thereof shall be delivered to the Director of Public Works; failure of the permittee to comply with the requirements of this Subsection shall be grounds for immediate termination of the permit notwithstanding any other provision of this Section or the permit. All said policies of insurance delivered to the City must contain a provision that the company writing said policy will give the City twenty (20) days' notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must contain a provision naming the City, its agents, employees, guests and invitees as an additional insured.

K. Any curbside pickup parking zone established or curbside pickup parking permit issued pursuant to this Section is subject to suspension or revocation upon a finding by the Director of Public Works, after affording the applicant or permittee an opportunity to be heard thereon, that:

1. Any representation on the permit application was false or fraudulent; or
2. That the curbside pickup parking zone has in any other material way been operated in violation of the conditions or requirements specified in this Section or in the permit regarding the zone in question.

L. Any applicant or permittee aggrieved by a decision of the Director of Public Works in refusing or disciplining a permit may appeal the decision to the City Manager by filing with the City Manager a written request therefor stating wherein and why the Director's decision is in error and specifying the facts in support of the appellant's position within five (5) days of the Director's decision. Judicial review of the City Manager's decision may be had by filing a petition therefor pursuant to Chapter 536, RSMo., in the Circuit Court for St. Louis County, Missouri, within ten (10) days of the Manager's decision.

M. Any person who shall violate any provision of this Section, or any person who shall take part in or assist in the violation of this Section, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each violation. Any vehicle parked in violation of the restrictions specified on curbside pickup parking signs installed pursuant to this Section may be subject to being ticketed and towed.

**Section 3.** Subsection (A) of Section 350.240 of Article V of Chapter 350 of Title III of the Code of Ordinances of Clayton, Missouri is hereby amended by the addition and establishment of the following violation and fine schedule:

**Chapter 350. Parking Regulations**

**Article V. Penalty For Violations**

**Section 350.240. Established Fines For Parking Violations.**

A. Any person who shall violate any provision of this Chapter shall, for each offense, be subject to the following fines:

Section Number	Violation	Due in 14 Days	Due in 15-21 Days	Due in over 22 Days
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[**NOTE:** The rest of Subsection A is not altered, amended or affected in any way by this amendment and remains in full force and effect. For that reason that portion of the Subsection is not set forth here in full.]

350.235	Parked in a Curbside Pickup Zone	\$40.00	\$80.00	\$120.00
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**Section 4.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 5.**

It is hereby declared to be the intention of the Board of Aldermen 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 Board of Aldermen 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 6.**

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

**Passed by the Board of Aldermen this 13<sup>th</sup> day of October 2020.**

  
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Mayor

Attest:

  
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City Clerk