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MUNICIPAL ORDINANCE - MISSOURI

Ballard v. City of Creve Coeur

Missouri Court of Appeals, Eastern District, Division Four - October 1, 2013 - S.W.3d - 2013 WL 5458971

Vehicle owners, who received citations under the red light camera ordinance, brought class action against city and red light camera system operator seeking declaratory judgment regarding the ordinance's constitutionality and conformity with state law, as well as city's authority to enact the ordinance, and also claimed the ordinance violated procedural due process and the privilege against self-incrimination, and alleged claims of unjust enrichment and civil conspiracy by city and operator.

The Court of Appeals held that:

- Vehicle owners who received citations for violating city's red light camera ordinance had an adequate remedy at law in their municipal court proceedings, precluding equitable relief;
- Genuine issue of material fact existed as to whether city enacted red light camera ordinance as a revenue generating tax measure, precluding summary judgment on action challenging validity of ordinance; and
- Owner's payment of fine issued for violation of red light camera ordinance precluded owner from bringing unjust enrichment claim.

Vehicle owners who received citations for violating city's red light camera ordinance had an adequate remedy at law in their municipal court proceedings, and thus, trial court lacked authority to issue equitable relief by declaring ordinance invalid or enjoining enforcement of ordinance. Owners could assert the invalidity of the ordinance as a defense to the proceedings against them in municipal court.

Genuine issue of material fact existed as to whether city enacted red light camera ordinance as a revenue generating tax measure so that it fell outside of its police power, precluding summary judgment on vehicle owner's action challenging validity of ordinance.