

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - MISSOURI**

### **Edwards v. City of Ellisville**

**Missouri Court of Appeals, Eastern District, Division Three - November 5, 2013 - S.W.3d - 2013 WL 5913628**

Drivers received violation notices from the City of Ellisville alleging that they had violated Ellisville's red light camera ordinance (the "Ordinance") and challenged the Ordinance in an eight-count purported class action petition. The petition sought declaratory judgment regarding the Ordinance's constitutionality, validity, and conformity with state law, as well as Ellisville's authority to enact the Ordinance. Drivers also asserted that the Ordinance violated procedural due process and the privilege against self-incrimination, and they alleged claims of unjust enrichment, money had and received, and civil conspiracy against Ellisville and American Traffic Solutions, Inc. ("ATS").

Ellisville and ATS each filed separate motions to dismiss as well as a joint motion to dismiss, all of which were granted by the trial court. Drivers appealed.

The appeals court held that the Ordinance was properly enacted pursuant to Ellisville's police power for regulating public safety. However the court concluded that the Ordinance conflicted with Missouri law on the same subject in violation of Section 304.120.3. Specifically, the Ordinance conflicts with Sections 304.281, the state statute governing traffic signal violations, and 302.225, and 302.302, the provision of state law relating to the assessment of points for moving violations.

Accordingly, the Ordinance is void and unenforceable as a matter of law.