

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - MISSOURI**

### **Damon v. City of Kansas City**

**Missouri Court of Appeals, Western District - November 26, 2013 - S.W.3d - 2013 WL 6170565**

Automobile owners brought class action against city and company that operated city's red-light camera enforcement system, challenging validity of city's red-light camera ordinance. The Circuit Court dismissed action. Owners appealed.

The Court of Appeals held that:

- The Court of Appeals has jurisdiction to consider the validity and constitutionality of a municipal ordinance;
- Owners who paid fine without going to court had standing to challenge ordinance;
- Owners who paid fine without going to court did not waive their right to raise constitutional challenges in a court of law;
- Owners facing prosecution did not have an adequate remedy at law as would preclude their declaratory judgment claim;
- Allegations were sufficient to survive motion to dismiss on grounds that ordinance was a proper exercise of city's police power;
- Ordinance conflicted with state law characterizing running a red light as a moving violation, and thus was void;
- Resolution of validity of ordinance's rebuttable presumption was not appropriate for review on a motion to dismiss; and
- Owners who paid fine stated claim for unjust enrichment, notwithstanding voluntary payment doctrine.