

Bond Case Briefs

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MUNICIPAL ORDINANCE - MISSOURI

Brunner v. City of Arnold

Missouri Court of Appeals, Eastern District, Division One - December 17, 2013 - S.W.3d - 2013 WL 6627959

“This is yet another challenge to the validity and constitutionality of a municipal ordinance governing what are commonly referred to as ‘red light camera enforcement systems,’ and we take another hike through a legal and, unfortunately, political minefield.”

Motorists brought class action petition against city challenging validity of ordinance authorizing the installation and operation of an automated red light enforcement system. The Circuit Court dismissed action. Motorists appealed.

The Court of Appeals held that:

- Motorist’s complaint sufficiently alleged that motorist was directly adversely affected by ordinance, as would support standing to challenge validity of ordinance;
- Fact issue existed as to whether ordinance reasonably promoted public safety, as would be required for ordinance to be validly enacted under city’s police power;
- Ordinance conflicted with state statute governing reporting requirements and assessment of points for moving violations, and therefore ordinance was void and unenforceable;
- A rebuttable presumption is invalid and unconstitutional, under the due process clause of state constitution, if an ordinance is criminal in nature; and
- Ordinance at issue was criminal in nature, and therefore ordinance’s rebuttable presumption that owner of a vehicle was driving vehicle at time vehicle ran red light was violation of state due process protections.