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MUNICIPAL ORDINANCE - MISSOURI

City of Moline Acres v. Brennan

Missouri Court of Appeals, Eastern District, Division Four - January 28, 2014 - S.W.3d - 2014 WL 295050

Owner of motor vehicle who received ticket for violating city's speed camera traffic ordinance contested violation and moved to dismiss the "prosecution" against him, alleging that ordinance was invalid. The Circuit Court declared city's speed camera traffic ordinance invalid and dismissed city's action against vehicle owner. City appealed.

The Court of Appeals held that city's speed camera traffic ordinance, which imposed strict liability upon motor vehicle owners who allowed their vehicles to be operated at a rate of speed in excess of the posted speed limit for violations captured by a speed camera, conflicted with state statutory scheme imposing liability solely upon drivers of motor vehicles who operate vehicles in excess of the posted speed limit, so as to render city's speed camera traffic ordinance void. City's ordinance permitted what state law prohibited, by allowing prosecution of the owner of a vehicle without regard to whether the owner was operating the vehicle at the time of the speeding infraction.