

1 **BOARD BILL NO. 282 INTRODUCED BY ALDERMEN FREEMAN BOSLEY SR.,**
2 **DIONNE FLOWERS, O. L. SHELTON, APRIL FORD-GRIFFIN, LEWIS REED,**
3 **PHYLLIS YOUNG, STEPHEN CONWAY, KENNETH ORTMANN, JOSEPH**
4 **VOLLMER, MATTHEW VILLA, ALFRED WESSELS, STEPHEN GREGALI,**
5 **JENNIFER FLORIDA, DONNA BARINGER, JOSEPH RODDY, MICHAEL**
6 **MCMILLAN, CRAIG SCHMID, JEFFREY BOYD, KATHLEEN HANRAHAN,**
7 **DOROTHY KIRNER, FRANK WILLIAMSON, LYDA KREWSON**

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9
10 An ordinance relating to traffic control; authorizing installation of and contracts relating to
11 one or more Automated Traffic Control Systems as defined herein; and establishing standards for
12 prosecution of violations of traffic control ordinances detected by Automatic Traffic Control
13 Systems.

14 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

15 **SECTION ONE.** As used in this ordinance the following terms mean:

16 (1) "An Automated Traffic Control System", a system consisting of devices with one or
17 more motor vehicle sensors working in conjunction with traffic control signals to automatically
18 produce photographs, micrographs, a videotape or other recorded images of motor vehicles
19 entering an intersection in violation of red traffic signal indications or otherwise violating City of
20 St. Louis traffic control ordinances;

21 (2) "Automated Traffic Control System Records", photographs, micrographs, videotape
22 or other recorded images of motor vehicles entering an intersection in violation of red traffic
23 signal indications or otherwise violating City of St. Louis traffic control ordinances;

24 (3) "Owner", the registered owner of a motor vehicle, or a lessee of a motor vehicle
25 under a lease of six months or more as shown by the records of the state department of revenue.

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1 **SECTION TWO.** Any Automated Traffic Control System or any device which is part thereof
2 installed or deployed on a street or highway in the City of St. Louis shall meet any applicable
3 requirements established by the state of Missouri.

4 **SECTION THREE.** The installation of an Automated Traffic Control System in the City by or
5 under the supervision of the Traffic Commissioner is hereby authorized. Devices which are part
6 of the Automated Traffic Control Systems may be installed at intersections or other locations
7 identified by the police department as dangerous due to numerous traffic control ordinance
8 violations. Such installation is authorized where any contract for installation of, and operational
9 and administrative tasks associated with the use of, one or more Automated Traffic Control
10 Systems exists with either the City or the Police Board.

11 **SECTION FOUR.**

12 In a prosecution for a violation of the Traffic Code Ordinance as codified in Section 17 *et seq.* of
13 the Revised Code of the City of St. Louis based on an Automated Traffic Control System
14 Record:

15 A. If the City proves: 1) that a motor vehicle was being operated or used; 2) that the
16 operation or use of the motor vehicle was in violation of Traffic Code Ordinance as codified
17 Section 17 *et seq.* of the Revised Code and 3) that the defendant is the Owner of the motor
18 vehicle in question, then:

19 B. A rebuttable presumption exists that such Owner of a motor vehicle operated or
20 used in violation of the Traffic Code Ordinance as codified in Section 17 *et seq.* of the Revised

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1 Code was the operator of the vehicle at the time and place the violation was captured by the
2 Automated Traffic Control System Record.

3 **SECTION FIVE.**

4 In a prosecution for a violation of the Traffic Code Ordinance as codified in Section 17 *et*
5 *seq.* of the Revised Code of the City of St. Louis based on an Automated Traffic Control System
6 Record:

7 A. Upon the filing of an information in the municipal court, the Court Clerk shall
8 issue a summons, with a court date, pursuant to Missouri Supreme Court Rules 37.42 through
9 37.44. Not later than sixty (60) days after the date the violation is alleged to have occurred, the
10 summons shall be served on the Owner by mailing it, together with: 1) a copy of the violation
11 notice; and 2) a copy of the recorded image(s) of the alleged violation, which forms the basis of
12 the information; and 3) a copy of the supplemental violation notice as described in subparagraph
13 B of this section, to the Owner's last known address by first class mail.

14 B. The supplemental violation notice shall contain, at a minimum, the following
15 information:

16 1. A statement that the Automated Traffic Control System Record will be
17 submitted as evidence in the municipal court proceeding for prosecution of the violation of the
18 Traffic Code Ordinance as codified in Section 17 *et seq.*, Revised Code of the City of St. Louis;
19 and

20 2. A statement that, if at the time and place of the violation, the motor
21 vehicle was being operated by a person other than the Owner, or the vehicle or the license plate

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1 captured by the Automated Traffic Control System Record was stolen, the Owner may submit
2 information to that effect by affidavit, on a form provided by the City, prior to the municipal
3 court proceeding, or under oath at the municipal court proceeding. If an Owner furnishes
4 satisfactory evidence pursuant to this paragraph, the City Court or City Counselor's office may
5 terminate the prosecution of the citation issued to the Owner, and, if appropriate, issue a citation
6 to a person clearly identified in the evidence as the operator of the motor vehicle at the time of
7 the violation.

8 C. A violation notice and summons mailed under this Section is presumed to have been
9 received by the Owner on the fifth (5th) day after the date the violation notice is mailed.

10 **SECTION SIX.** Any Automated Traffic Control System on a street or highway must be
11 identified by appropriate advance warning signs conspicuously posted either at the major
12 roadways entering the city, or not more than three hundred feet from the location of the
13 automated traffic control system location. All advance warning signs must be approved by the
14 Traffic Commissioner.

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