

EMERGENCY READING: 11.12.2013

AN ORDINANCE REMOVING CHAPTER 17, ARTICLE IX. AUTOMATED ENFORCEMENT OF TRAFFIC REGULATIONS, OF THE ORDINANCES OF THE CITY OF HANNIBAL, AND REPLACING IT WITH A NEW ARTICLE IX AUTOMATED ENFORCEMENT OF TRAFFIC REGULATIONS

WHEREAS, the Eastern District Court of Appeals of the State of Missouri has reversed its holdings in City of Creve Coeur vs. Notebrok, specifically holding that it is a violation of State Law for a Red Light Camera Ordinance not to assess points and further to find persons guilty who were not operators of said ordinance if they were not the operator of the vehicle, and

WHEREAS, Article IX of Chapter 17 of the Ordinances of the City of Hannibal in accordance with the holding in City of Creve Coeur vs. Notebrok did not assess points against violators and did make provision for the possibility of the vehicle owner to be found guilty of a violation of public safety at an intersection.

WHEREAS, the safety of the public at large is paramount, and is a vital interest and subject to the police power of the City of Hannibal, and

WHEREAS, the automated camera program in Hannibal has caused a demonstrable decrease in accidents and violations at the intersections at which the systems are installed.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI, AS FOLLOWS:

SECTION ONE: The city council hereby revokes CHAPTER 17, ARTICLE IX, and enacts in its place the following Article in whole:

ARTICLE IX. AUTOMATED ENFORCEMENT OF TRAFFIC REGULATIONS

- Sec. 17-503. Definitions.
- Sec. 17-504. Compliance with State Requirements.
- Sec. 17-505. Installation Authorized.
- Sec. 17-506. Signage.
- Sec. 17-507. Authorization for Camera Enforcement
- Sec. 17-508. Probable Cause.
- Sec. 17-509. RESERVED
- Sec. 17-510. RESERVED

Sec. 17-503. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Automated camera enforcement system means a system that:

- (1) Consists of cameras installed to work in conjunction with electrically-operated traffic control signal or other method of activation;
- (2) Is capable of producing not less than two high-resolution color digital recorded images that show the following as applicable:
 - a. The incident which is a violation of an ordinance of the City of Hannibal;
 - b. The offending vehicle;
 - c. The operator of the vehicle, or other person violating an ordinance of the City of Hannibal;
 - d. The license plate of the offending vehicle;
 - e. The speed of the vehicle;
 - f. The traffic control signal while it is emitting a steady red signal.

Operator means any individual driving and/or in possession of a vehicle.

Recorded image means photographs, digital images, microphotographs, micrographs, videotape, digital video, or other recorded images.

System location means the approach to an intersection or area toward which an automated camera enforcement system is directed and in operation.

Traffic control signal means a traffic control device which is, part thereof, installed or deployed on a street or highway in the city shall, and meet any applicable requirements established by the state.

(b) Any terms not specifically set out herein shall be interpreted to as set out elsewhere in this Code. Any terms not otherwise set out in this Code shall be interpreted with its normal and plain meaning.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-504. Compliance with state requirements.

Any automated camera enforcement system, or any device which is part thereof, installed or deployed on a street or highway in the city, and shall meet any applicable requirements established by the state.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-505. Installation

The installation of an automated camera enforcement system in the city by, under the supervision of or with the prior approval of, the city engineer is hereby authorized. Devices that are part of the automated camera enforcement system may be installed at intersections or other locations identified by the police department as dangerous.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-506. Signage.

Any automated camera enforcement system on a street or highway must be identified by appropriate advance warning signs conspicuously posted either at the major roadways entering the city, at such specific location or distance from the location of the automated traffic control system location, as may be specified by state statute, state regulation or Directive of the Missouri Department of Transportation, hereinafter (MODOT). Signage shall be advanced warning signs provided by MODOT, except at such locations for which MODOT will not provide signage, and signage at such location shall be of similar color and design of MODOT approved signs. In the event no such specification exists, then signage shall be installed in a conspicuous fashion, not more than 300 feet from the location of the automated traffic control system location. All advance warning signs must be approved by the city engineer.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-507. Authorization for Automated Camera Enforcement

Any violation of any ordinance of the City of Hannibal which is disclosed by an automated camera enforcement system may be prosecuted in the Municipal Court of Hannibal, Missouri.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-508. Probable cause.

An officer employed by the Hannibal police department shall examine the recorded image to determine if a violation of any ordinance of the City of Hannibal has occurred. If the recorded image shows a violation, shows a date and time of the alleged violation, shows the letter and numbers on the vehicle's license plate, as well as the state in which the license was issued, shows the operator of the vehicle, shows the traffic control signal while it is emitting a steady red signal, or shows any other violation of the ordinances of the City of Hannibal, or further if the officer is able to otherwise identify the person committing the violation, then probable cause shall exist. The officer may use any lawful means to identify the vehicle's operator or the person violating the ordinance.

Ord. No. 4599, § 1, 3-6-2012)

Sec. 17-509. RESERVED.

Sec. 17-510. RESERVED.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 12th day of ^{November} ~~May~~, 2013

APPROVED this 12th day of ^{November} ~~May~~, 2013



Kevin L. Knickerbocker, Mayor Pro Tem
Roy G. Hark, Mayor

ATTEST:



Angelica N. Vance, City Clerk