

VILLAGE OF UPLANDS PARK, MISSOURI

BILL NO: 414

ORDINANCE NO: 414

AN ORDINANCE AUTHORIZING THE CHAIRPERSON OF THE VILLAGE OF UPLANDS PARK TO EXECUTE A PHOTO ENFORCEMENT AGREEMENT BETWEEN THE VILLAGE OF UPLANDS PARK AND REDFLEX TRAFFIC SYSTEMS, INC.

WHEREAS, the Board of Trustees of the Village of Uplands Park, State of Missouri ("Village") finds and declares that a vehicle that is excessively speeding, absent certain recognized grounds justifying such, poses a serious risk and detriment to the public including by endangering motor vehicle operators and pedestrians, and by increasing the number of serious accidents to which public safety agencies must respond at the expense of the taxpayers; and

WHEREAS, it has been determined that excessive speeding violations are a cause of many vehicle collisions and numerous personal injuries; and

WHEREAS, it is impracticable for the Village to station police officers at each roadway at all times of the day to reduce the incidence of speed safety violation; and

WHEREAS, the Village, pursuant to authority provided in Chapter 304 RSMo, may make additional rules of the road to meet its needs; and

WHEREAS, automated photo traffic enforcement programs in other jurisdictions throughout the United States have proven to significantly improve public safety by reducing the number of violation in those jurisdictions; and

WHEREAS, the Board of Trustees of the Village finds and declares that in order to improve public safety by reducing the number of excessive speeding violations in the Village, owners of motor vehicles must be held accountable for such violations involving their Village, the Board of Trustees desires to promote public safety through the

implementation of safety programs which are proven to reduce excessive speeding violations, including an automated photo traffic safety enforcement program;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. The Chairperson of the Board of Trustees of the Village is authorized and directed to execute a Photo Enforcement Agreement with Redflex Traffic Systems, Inc., in substantially the same form as Exhibit 1 attached hereto.

Section 2. A new section 300.040 of the Municipal Code is hereby adopted to read as follows:

Section 3. **SECTION 300.040: AUTOMATED SPEED ENFORCEMENT SYSTEM**

A. *Definitions.* As used in this Section, the following terms mean:

AUTOMATED SPEED ENFORCEMENT SYSTEM: A system that consists of a speed detection device, and photographic, video or electronic camera or cameras and vehicle sensor or sensors linked to a violation detection system that synchronizes the taking of a recorded image with the occurrence of a violation of speed regulations set forth in this Chapter 300 of the Village Traffic Code; and that is capable of producing high resolution color digital recorded images that show:

1. The offending vehicle;
2. The license plate of said vehicle;
3. The operator of said vehicle;
4. The speed of said vehicle;
5. The posted speed limit at the system location; and
6. The date and time of the recorded image.

VILLAGE TRAFFIC CODE: Title 3 of the Municipal Code of the Village of Uplands Parks.

OPERATOR: Any individual driving a vehicle.

RECORDED IMAGE: Photograph(s), microphotograph(s), micrograph(s), videotape(s) or other recorded image or images of motor vehicles moving at a speed in excess of that permitted by this Chapter 300 of the Village Traffic Code.

SYSTEM LOCATION: The street or highway toward which an automated speed enforcement system is directed and is in operation, [other than a State highway, or any other . . .], other than a location restricted or prohibited by Missouri state law. It includes the location where the automated speed enforcement system is installed or deployed at the time a recorded image is taken.

B. Any automated speed enforcement system, or any device which is part thereof, installed or deployed on a street or highway in the Village shall meet any applicable requirements established by the State of Missouri.

C. The installation, deployment, and use of automated speed enforcement systems in the Village by or under the supervision of the Police Department are hereby authorized. Devices which are part of an automated speed enforcement system may be installed or deployed at system locations identified by the Police Department, in consultation with the Traffic Engineer.

D. *Probable Cause.* An officer employed by the Police Department shall examine the recorded image to determine if the following elements are contained within the recorded image:

1. The offending vehicle;
2. The license plate of said vehicle;
3. The operator of said vehicle;
4. The speed of said vehicle;
5. The posted speed limit at the system location; and
6. The date and time of the recorded image.

The officer shall identify the operator of the vehicle at the time the violation was committed whose image appeared on the recorded image and may use any lawful means to do so. If the officer determines that all of the above elements are present, the officer shall then determine whether sufficient facts appear to show probable cause that a violation of Chapter 300 of the Village Traffic Code was committed and that the person that is to be accused of committing the violation committed it.

E. Upon the filing of information in the Municipal Court, a summons shall issue, with a court date, pursuant to Missouri Supreme Court Rules 37.33 through 37.44. Not later than sixty (60) days after the date the violation is alleged to have occurred, the summons shall be served on the operator by mailing it, together with:

1. A copy of the violation notice; and
2. A copy of the recorded image(s) of the alleged violation, which forms the basis of the information; and
3. A copy of the supplemental violation notice as described in Subparagraph (a) of this Subsection E.3, to the operator's last known address by first class mail.

a. The supplemental violation notice shall contain, at a minimum, a statement that the recorded image will be submitted as evidence in the Municipal Court proceeding for prosecution of the violation of the applicable provision of Chapter 300 of the Village Traffic Code.

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

F. Any automated speed enforcement system on a street or highway must be identified by appropriate advance warning signs conspicuously posted either at the major roadways entering the Village or not more than three hundred (300) feet from the location of the automated speed system location. All advance warning signs must be approved by the Traffic Engineer.

G. Any person pleading guilty or found by the Municipal Court to be in violation of the posted speed regulations of the Village, after a probable cause determination made with the use of evidence from an Automated Speed Detection System, shall be guilty of an infraction punishable by civil fine only of \$100 or less, as determined by the Municipal Court.

2. Each section of this ordinance or part thereof shall be separate and severable. In the event that any part of this ordinance is determined to be unlawful or unconstitutional, the remaining sections or parts thereof shall be and remain in full force and effect.

3. This ordinance shall take effect and be in full force immediately following its passage and approval.

Section 4. Any and all Village ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall not be published in the Village's Code of Ordinances.

Passed and approved this _____ day of _____, 2011.

CHAIRPERSON

Attest:

Village Clerk

Form of ordinance approved:

Village Attorney

First Reading: _____

Second Reading: _____