

**Invalidated Panhandling Ordinance Illustrates New Limits on Power to Regulate Speech** – In response to the Supreme Court’s decision in *Reed vs. Town of Gilbert*, the Seventh Circuit struck down a panhandling ordinance, prohibiting begging for money in the City’s historical downtown district in *Norton v. City of Springfield*. In *Reed*, the Supreme Court held that a sign code ordinance unconstitutionally regulated the display of street signs by referencing the sign’s category (e.g., “ideological signs,” or “political signs”). Springfield’s ordinance banned oral requests for immediate donations but allowed oral requests for future donations and signs requesting money (apparently under the theory that the latter was less threatening and impositional). Based on *Reed*, *Norton* held that Springfield’s panhandling ordinance could not ban certain classes of panhandling. Cities should take note of the *Reed* and *Norton* decisions and the impact on their regulatory powers. Regulations categorizing speech by subject-matter will be vulnerable to a constitutional challenge.

**The Missouri Supreme Court Strikes Down Three Red Light and Speed Camera Ordinances** – The Court recently struck down three traffic camera ordinances. However, the Court noted important exceptions that may still allow for enactment and enforcement.

- ***Tupper, et al. v. City of St. Louis, et al.*** – St. Louis’ red light cameras shot videos of vehicles running red lights and used photographs of license plates to find the owner of the vehicle, but did not photograph the driver. The ordinance required the vehicle owner to either pay a fine or complete an “affidavit of non-responsibility.” This unconstitutionally required an owner to prove that he or she was not driving at the time of the violation.
- ***City of St. Peters v. Roeder*** – St. Peters’ red light camera ordinance prohibiting “driving through the intersection when the light was red,” was invalid as it created a moving violation with no points in conflict with state statute, [§ 302.302.1\(1\)](#), requiring the assessment of two points. The Court, however, allowed enforcement of the law with the points being assessed.
- ***City of Moline Acres v. Brennan*** – Moline Acres’ speed camera ordinance and notice procedure unconstitutionally presumed that the owner of a vehicle had given permission to the driver to speed. The Court held that the City could still enforce the ordinance if it stated facts in the notice of violation showing probable cause that the owner gave the driver permission. The notice also stated that no points would be assessed, however, because the ordinance did not, the Court refused to invalidate it on those grounds.

**Model Act for Use of Body Cameras** – The International Municipal Lawyers Association recently developed a [Model Act](#) for regulating the use of body cameras by law enforcement officers. The Model attempts to implement appropriate measures to “deal with body cameras in conjunction with public record laws, wiretapping laws, and the costs associated with storing, retrieving and redacting” camera footage. Cities can look to the Model Act, but should also consider Missouri-specific laws, including Sunshine Law, when enacting regulations related to body cameras.

**Auditor Announces New Rules for Municipal Courts** – The Missouri Auditor as directed by the Missouri Legislature, filed new [rules](#) to guide cities in implementing the requirements of [SB 5](#). Like the new law, the rules require local governments to annually file an addendum stating their total revenue, their general operating revenue, and revenue from fines, bond forfeitures, and court costs for minor traffic violations as well as a certification by the municipal judge that the Court complied with Section 470.360 RSMo. The State Auditor also created the [Addendum](#) and [Certification](#) forms for use by local governments. The Addendum and Certification must be filed within six months of the end of the entity’s fiscal year, and the entity must retain supporting documentation. One change in the regulations of note, however, is that now both audited and unaudited financial reports are due to the Auditor’s office within six months of the end of the entity’s fiscal year (unaudited formerly were due within four months). Given the increased scrutiny of municipal court practices, it is vitally important that cities operating a municipal court ensure their procedures comply with all applicable laws.

**Veto Override** – The Missouri legislature recently voted to override the Governor’s veto of [HB 722](#), a bill that prohibits municipalities from establishing a citywide **minimum wage** higher than the state or federal minimum wage and prohibited municipalities from banning, taxing, or placing a fee on the use of **paper or plastic bags** for packaging goods purchased. Thus, cities are prohibited from regulating these issues.

**Drivers Make Claims Against Municipalities for Impermissible Access of Personal Information** – The Eighth Circuit Court of Appeals, in *McDonough v. Anoka County*, reversed the dismissal of claims made against various municipalities and municipal officials alleging they had illegally accessed drivers’ personal information on the Driver and Vehicle Services database. The Driver’s Privacy Protection Act prohibits obtaining, disclosing, or using personal information from the database for improper purposes. The drivers, some of whom were persons of “local fame,” alleged that their records had been accessed several hundred times in a span of years, even though they had committed no crimes warranting such searches nor were involved in ongoing investigations. The court held that “obtaining” records included merely searching the database. Noting the number of times the records were accessed, the suspicious patterns in which searches occurred, and that many of the records were accessed late at night or early in the morning (when employees might have less supervision) the court concluded it was plausible that the drivers’ records were obtained for an impermissible purposes. Cities and law enforcement agencies should only access drivers’ records for a permissible purpose and in carrying out “official government duties.”

**Presentations by CVR Attorneys** – The following recent and upcoming educational presentations and resources from CVR attorneys are available for your review:

- [Constitutional Limits to Municipal Authority](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Paul Rost](#)
- [Selected Best Practices for Municipal Lawyers](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Erin Seele](#) and [Kim Diamond](#)
- [Wireless Telecommunications Facilities & New Mandates on Cities](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Dan Vogel](#) and Ryan Moehلمان, City of Columbia, Missouri
- [Annual Update of Supreme Court and Missouri Land Use Cases](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Steven Lucas](#) and Steve Chinn, City Attorney of Parkville, Missouri
- [Municipal Audits and Recent SEC Enforcement of Disclosure Rules: What you Need to Know](#) (Municipal Officials Training Academy) – [Dan Manning](#) and Michael Williams, Hochschild, Bloom & Company LLP
- [UPCOMING – Municipal Contracting & Purchasing Best Practices](#) (Municipal Officials Training Academy) – [Dan Vogel](#) and [Maggie Eveker](#)
- [UPCOMING – Legalities of Planning and Zoning](#) (APA/UMSL Chancellor’s Certificate Program in Planning and Zoning) – [Dan Vogel](#)

**Feedback** – Your comments are greatly appreciated. If you have suggestions for improving these Municipal Issue Reports, please let us know at the contacts below.

If you need further assistance on any of these matters, please consult your City Attorney or Legal Department for particularized guidance or contact us at:

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**Upcoming Dates & Deadlines for Missouri Municipalities\***

**Mid-late Sept.** – Conduct public hearing on property tax rate with 7-day newspaper notice (cities in charter counties).

**Oct. 1–** Set property tax levy (cities in charter counties).

**Mid-Nov.** – TIF Annual reports due. Penalty for failing to file report is loss of ability to implement new TIFs for 5 years.

\*This list is not exhaustive. For the complete **Calendar of Procedural Deadlines for Missouri Municipalities**, click below:

[Jan. 1–Dec. 31 Fiscal Year](#)

[July 1–June 30 Fiscal Year](#)

Also see CVR’s [Annual Requirements for Missouri Municipal Special Purpose Entities](#)

**Municipal Links**

[Missouri Municipal League](#)

[St. Louis County Municipal League](#)

[Mid-America Regional Council \(KC Area\)](#)

[East-West Gateway Council of Governments](#)

**For more, visit CVR’s [Resources Page](#)**