

## Red Light Cameras; Municipal Candidate Filing Period; Boundary Commission Cycle

**Happy Holidays From CVR** – The attorneys and staff of Cunningham, Vogel & Rost, P.C. wish everyone a safe and happy Holiday Season!

**Red Light Camera Ordinance Upheld** - In [City of Creve Coeur v. Nottebrok](#), the Eastern District of the Missouri Court of Appeals upheld a red light camera ordinance enacted by the City of Creve Coeur against a due process challenge. The court found that the ordinance was a civil ordinance, not subject to "the heightened procedural protections required by the Fifth, Sixth, and Eighth Amendments of the U.S. Constitution," because the language of the ordinance made clear it was intended to be civil by calling a violation an infraction, rather than a crime; the ordinance was enacted under the City's police power for regulating public safety; the sanction was merely a fine rather than points on the car owner's driver's license; and the City was not required to prove the car's owner was operating the car at the time of the violation, but imposed liability on the owner rather than the driver, as with parking tickets. In addition, the ordinance allowed the car owner to appeal by showing that the car was in the intersection due to one of the exceptions permitted by the ordinance, such as yielding right-of-way to an emergency vehicle.

**Upcoming Municipal Candidate Filing Period** – December marks the time in which Missouri municipalities must start preparing for the upcoming General Municipal Election, scheduled for **April 3, 2012**. No later than **December 12, 2011** ("before 16th Tuesday before Municipal Election Day"), municipalities need to publish newspaper notice of the opening filing date for municipal office. **December 13, 2011** marks the opening of the municipal candidate filing period for the April 3rd General Municipal Election. The candidate filing period closes on **January 17, 2012** (11th Tuesday before Municipal Election Day). For more information on deadlines, consult the *Calendar of Procedural Deadlines for Missouri Municipalities* (see links in right sidebar) and the Secretary of State's [website](#). Your [local Election Official](#) should also be able to provide information and assistance. **Note that that SB282 (2011), a bill adopted by the General Assembly which changed several deadlines and requirements for local elections, was vetoed by Gov. Nixon and not overridden by the General Assembly, and therefore is not in effect.**

**Boundary Commission Planning Cycle Opens Jan. 1** – Communities in St. Louis County that may be interested in annexations and other municipal boundary adjustments should note that the St. Louis County Boundary Commission will begin accepting map plans on January 1, 2012 for the 2012-2017 planning cycle, pursuant to [§ 72.423 RSMo](#).

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

**Jan. 1** - Furnish State Auditor report of bonds and coupons retired since the previous report.

**Jan. 24** - Closing for receiving certification of election forms for the April 3rd General Municipal Election.

**Jan. 31** - File report with DED on previous year's revenue bond and general obligation bond issuances for Industrial Development Projects.

**Jan. 31** - Send W-2s and 1099s to IRS; distribute to employees and services providers.

**Feb. 29** - Report to DED of businesses that have relocated within past year to TIF area or Downtown and Rural Economic Stimulus Act development area.

**Mar. 5** - Notify DOR of ordinance opting-in to "Show Me Green" Appliance Sales Tax Holiday (at option of City).

\*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](#)

### 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 [Links Page](#)

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:

[info@municipalfirm.com](mailto:info@municipalfirm.com)  
Cunningham, Vogel & Rost, P.C.  
legal counselors to local government  
333 S. Kirkwood Road, Suite 300  
St. Louis, MO 63122  
314.446.0800  
314.446.0801 (fax)

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