



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

CITY OF ST. PETERS, MISSOURI,)	No. ED100701
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Charles County
vs.)	1311-MU00010
)	
BONNIE A. ROEDER,)	Honorable Ted House
)	
Respondent.)	Filed: June 3, 2014

OPINION SUMMARY

The City of St. Peters ("City") appeals the trial court's judgment dismissing City's prosecution of Bonnie A. Roeder under St. Peters City Code section 335.095¹ ("Camera Ordinance") for a failure to stop at a red light.

AFFIRMED.

Division One holds:

- (1) Section 302.302 RSMo Supp. 2010 creates a mandatory requirement that two points be assessed on the driver's license of any person convicted of a moving violation of a municipal ordinance, and a violation of the Camera Ordinance constitutes a moving violation under section 302.010(13) RSMo Supp. 2013.
- (2) Because the Camera Ordinance states that no points shall be assessed upon a conviction, it permits what section 302.302 prohibits – a moving violation without the assessment of points on a driver's license. Therefore, the Camera Ordinance is in conflict with section 302.302 and is rendered void under statutory and common law relating to City's authority to enact ordinances.

¹ All references to code sections are to St. Peters City Code (2007).

- (3) The doctrine of severability, which only applies to situations in which a provision of a statute or ordinance is unconstitutional, does not apply to the Camera Ordinance because the holding that the offending provision of the Camera Ordinance is in conflict with section 302.302 is not a finding that the provision is unconstitutional. Moreover, the offending provision of the Camera Ordinance would not be severable where the remaining provisions of the Camera Ordinance would not be capable of being executed in accordance with legislative intent. Accordingly, the trial court did not err in dismissing the action against Roeder on the ground that the Camera Ordinance is in conflict with Missouri law.
- (4) A conviction under St. Peters City Code section 315.030 is not appropriate where City chose to prosecute Roeder under the Camera Ordinance only. Accordingly, the trial court did not err in dismissing the action against Roeder.

Opinion by: Glenn A. Norton, J. Roy L. Richter, P.J. and Clifford H. Ahrens, J., concur.

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Attorneys for Respondent: W. Bevis Schock and Hugh A. Eastwood

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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