

2017-0040

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE, DIVISION B

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by removing in its entirety, Chapter 20-Railroads, Section 20-3. Blocking crossings and replace with Section 20-3. Reserved.

WHEREAS, Chapter 20-Railroads, Section 20-3. Blocking crossings of the Code of Ordinances, provides regulations for blocking a public way by any railroad corporation, receiver, or assignee thereof; and,

WHEREAS, the Supreme Court ruled that only Congress can regulate Railroads resulting in the Interstate Commerce Act of 1887; and,

WHEREAS, therefore any ordinances and/or regulations enacted by a local municipality are deemed unconstitutional and therefore unenforceable.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 20-Railroads, Section 20-3 Blocking crossings be removed in its entirety and replaced with the following:

Section 20-3. Reserved.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: HOGAN, WILSON, CLULEE

NAYS: BENEDETTO, GIBBS, WOODRUFF, BELLOCK, FLETCHER,
FISHER-PERRIER

ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON FEBRUARY 20, 2017.

2017-0040 Failed ORD-REMOVE-CHAPTER20SECTION20-3-BLOCKINGRRRCROSSING (L_2-6-17)