

2019-0165

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

An ordinance to amend the Code of Ordinances for the Parish of St. Charles, Chapter 1 General Provisions, Section 1-2. Rules of construction and definitions by adding the following after the 3rd section paragraph: "Upon ordinances being constructed and made part of this Code, the manifest intent of the parish council expressed by the ordinance shall be liberally construed in order that the true intent and meaning of the parish council shall be fully carried out in all cases by the Administration through its interpretation and application of the Code of Ordinances. In cases where the parish council takes actions which are contradictory to the Code of Ordinances, the Parish President has the duty and obligation to not approve and not enforce such actions".

WHEREAS, the Code of Ordinances contains Section 1-2. Rules of construction and definitions; and,

WHEREAS, the first section paragraph states "In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the parish council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto"; and,

WHEREAS, the second section paragraph states "*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the parish council may be fully carried out"; and,

WHEREAS, the third section paragraph states "In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be deemed to be controlling".

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 1 General Provisions, Section 1-2. Rules of construction and definitions be hereby amended by adding the following after the 3rd section paragraph as follows with new text underlined and deleted text in ~~strikethrough~~:

"Upon ordinances being constructed and made part of this Code, the manifest intent of the parish council expressed by the ordinance shall be liberally construed in order that the true intent and meaning of the parish council shall be fully carried out in all cases by the Administration through its interpretation and application of the Code of Ordinances. In cases where the parish council takes actions which are contradictory to the Code of Ordinances, the Parish President has the duty and obligation to not approve and not enforce such actions."

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

YEAS: HOGAN

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

ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON JUNE 3, 2019.