

ORDINANCE NO. **BG2017 - 15**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC
AND MOTOR VEHICLES), SUBCHAPTER 22-3
(OPERATION) OF THE CITY OF BOWLING GREEN
CODE OF ORDINANCES TO RESCIND LANGUAGE
RELATED TO TRAINS

WHEREAS, Chapter 22 (Traffic and Motor Vehicles) of the City of Bowling Green Code of Ordinances contains regulations limiting the time trains may obstruct any crossing that impacts City streets and regulations limiting the speed limits of trains in the City; and,

WHEREAS, such regulations are preempted by federal law and cannot be enforced by the City; and,

WHEREAS, it is in the best interest of the City to amend Chapter 22 to rescind this regulatory language.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 22 (Traffic and Motor Vehicles), Subchapter 22-3 (Operation) is hereby amended as follows:

22-3 OPERATION.

...

[~~22-3.20 Trains.~~]

[~~a. — Obstructing Streets; Time Limit. It shall be unlawful for any railroad company or conductor, engineer, fire man or other person to cause any locomotive engine, passenger train, freight train, construction train or train of cars of any kind, to stop and remain in or across any of the streets of the City longer than five (5) minutes at any one time in such manner as to obstruct or delay the passage of any person or vehicle.~~]

[~~b. — Request for Exception to Time Limit. The foregoing prohibition notwithstanding, a railroad company may request in writing to the Mayor of the City that any crossing may be obstructed~~

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~~for a period exceeding five (5) minutes and, upon the receipt of such request, if the Mayor determines that the grant of such request is for the convenience of and in the best interest of the City, the Mayor may grant such request under such circumstances and conditions that will best protect the interests of the City.]~~

~~[e. — Speed Limits. Pursuant to the authority vested in second class cities by KRS 96.050, the speed of locomotives and trains within the limits of the City shall not exceed thirty (30) miles per hour.]~~

...

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on April 18, 2017, and given final reading on May 2, 2017, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: May 2, 2017

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

SPONSORED BY: Mayor Bruce Wilkerson, Commissioner Sue Parrigin, Commissioner Rick Williams and Commissioner Joe Denning, late-filed 04/18/2017, 8:40 a.m.