

ORDINANCE 2017-1734

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, CHAPTER 74 RAILROADS, SPECIFICALLY §74.03 RESTRICTING OPERATIONS AND PORTIONS OF RIGHT-OF-WAY TRAVERSED BY HIGHWAYS AND STREETS; §74.04 OPERATIONS; SIGNALS; §74.06 TRAINS BLOCKING TRAFFIC; AND §74.99 PENALTY; IN ORDER TO IMPROVE, MODIFY, AND REVISE THE PROVISIONS ADDRESSING RAILROADS WITHIN THE CITY OF MURRAY.

WHEREAS, the City of Murray desires to amend Chapter 74, specifically §74.03, §74.04, §74.06, and §74.99, in order to improve, modify, and revise the provisions addressing railroads within the City of Murray.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter 74 of the City Of Murray Code Of Ordinances and believe the changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

CHAPTER 74: RAILROADS

§74.03 is hereby amended to read in its entirety as follows:

§ 74.03 RESTRICTING OPERATIONS AND PORTIONS OF RIGHT-OF-WAY TRAVERSED BY HIGHWAYS AND STREETS.

Each person, firm, or corporation who operates any train or engine, over any railroad right-of-way in the city shall operate such train and engine with due care for the safety of all persons lawfully on or about the right-of-way, and in addition thereto shall not place or permit to be placed any train or part thereof and leave same standing in one position longer than ten minutes, on any portion of the railroad right-of-way within 50 feet north and 50 feet south of the center of East Main Street of any railroad crossing within the city, and no train or part of a train shall be left standing in the restricted zone for any period of time except for convenience in switching or moving trains and portions of trains on the right-of-way.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§74.04 is hereby amended to read in its entirety as follows:

§ 74.04 OPERATIONS; SIGNALS

Each person, firm, or corporation operating, having operated or permitting to be operated any railroad train over, on, or across ~~East Main Street~~ any railroad crossing within the city, in addition to the precautions required of railroads or common carriers by the general and specific laws of the state, shall construct and maintain a crossing signal at the crossing, which signal shall operate automatically and shall be so placed and situated as to be readily visible to persons approaching the crossing, which signal shall display red flashing lights at all times when a train in motion shall be within 1000 feet of the crossing and in addition to flashing light, a bell, or gong shall be so placed and caused to ring or sound with a volume of sufficient penetrative quality as that it will be readily heard by normal persons within

100 feet of the crossing and the bell or gong shall ring or sound continuously when any train in motion is within 1000 feet of the crossing.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§74.06 is hereby amended to read in its entirety as follows:

§ 74.06 TRAINS BLOCKING TRAFFIC

No person, firm, or corporation shall operate or permit to be operated any engine or train in such manner as to block and prevent the crossing of persons and vehicles over the railroad right-of-way ~~on East Main Street~~ at any railroad crossing within the city for a longer period of time than five minutes.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§74.99 is hereby amended to read in its entirety as follows:

§ 74.99 PENALTY

~~Any person, firm, or corporation who shall fail to perform any act by this chapter required, and any person who shall commit any act prohibited by this chapter shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum of not less than \$1 nor more than \$50 for each offense, and where any offense is a continuing act, or shall exist for longer than one day each shall be deemed a separate offense. It shall be unlawful for any person, firm, corporation, or other legal entity to violate or fail to comply with any provision of this chapter. Where no specific penalty is provided therefor, the violation of any provision of this chapter shall be deemed a misdemeanor and shall be punished by a fine not less than \$25, nor more than \$500, or imprisonment for a term not exceeding 12 months or by both the fine and imprisonment. However, the fine, forfeiture or penalty for a violation of this chapter shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.~~

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2017.

Adopted by the City Council on _____, 2017.

Published in the Murray Ledger and Times on _____, 2017.