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MUNICIPAL ORDINANCE - LOUISIANA

Mellor v. Parish of Jefferson

Supreme Court of Louisiana - March 25, 2022 - So.3d - 2022 WL 884001 - 2021-0858 (La. 3/25/22)

Motor vehicle drivers who paid fines under parish ordinance for overtaking and passing a school bus with its visual signals activated brought class action against parish, seeking damages and declaration that ordinance was unconstitutional.

The District Court, Jefferson Parish, granted drivers' motion for summary judgment. Parish appealed.

The Supreme Court held that ordinance was unconstitutional for regulating parish school board.

Parish ordinance establishing civil fines against motor vehicle drivers for overtaking and passing a school bus with its visual signals activated was unconstitutional under section of Louisiana Constitution prohibiting any provision in a home rule charter affecting a school board; ordinance not only outlined a system of cameras for tracking and notifying violators, but also specifically directed parish school board to administer the system, stating that school board was "responsible for the administration of the system and for notification of the violation," and it was of no consequence that school board did not object to ordinance.