



ORDINANCE NUMBER 5 of 2019

AN ORDINANCE AMENDING ORDINANCE 2 OF 2019
WHICH PROVIDED FOR THE OPERATION OF
WATERCRAFT ON CANE RIVER WATERWAY ON
EVENINGS WHEN FIREWORK DISPLAYS OCCUR IN
DOWNTOWN NATCHITOCHES.

WHEREAS, the Cane River Waterway District is a body politic and corporate subdivision of the State of Louisiana, created by Acts 1982, No. 391, R.S. 34:3261, et. seq.; and

WHEREAS FURTHER, the Cane River Waterway Commission (Sometimes hereinafter "Commission") was created for the purpose of establishing, operating and maintaining the Cane River Waterway; included in the powers delegated to the Commission is the power to adopt regulations to preserve the health, welfare and safety of the recreational and commercial users of Cane River Lake; and

WHEREAS FURTHER, fireworks are displayed several times a year on the banks of Cane River Lake in downtown Natchitoches; and

WHEREAS FURTHER, the City of Natchitoches regulates the operation of watercraft during the Christmas Festival fireworks display under Section 22-36 of the Code of Ordinances of the City of Natchitoches, and recently amended this Section of the Code; and

WHEREAS FURTHER, the Commission adopted amended Ordinance Number 2 of 2019 to provide for the regulation of boating traffic on Cane River Lake on evenings when firework displays are put on in downtown Natchitoches; and

WHEREAS FURTHER, the Commission desires to amend Ordinance Number 2 of 2019 in order to be consistent with the current City Ordinance, and further to provide for the safety and welfare of the passengers of watercraft during the display of fireworks, and its desire to comply with the orders of the State Fire Marshall; and

NOW THEREFORE BE IT ORDINED, by the board of the Cane River Waterway Commission in legal session convened and in accordance with Louisiana R.S. 34:3261, et. seq., and specifically, R.S. 34:3269(6) and (13) and R.S. 34:3268, Ordinance 2 of 2019 is hereby amended to read as follows, to-wit:

Operation of watercraft on Cane River Lake on days when firework displays occur on City Property.

(a) The term "watercraft", whenever used in this section, shall be held to mean any motorboat, rowboat, barge, raft, and any other boat or vessel of whatsoever nature and kind commonly used for the transportation of persons or things upon a stream, river, lake or other waterway.

The phrase “designated area”, whenever used in this section, shall mean that portion or area of Cane River Lake near the downtown bridge that has been designated by the Louisiana Fire Marshall, or his designee, as being within a fallout zone for a fireworks display.

The phrase “fireworks display”, whenever used in this section, shall mean any fireworks display that occurs in downtown Natchitoches, and where part of the fallout area includes a portion of Cane River Lake.

The phrase “fallout area”, whenever used in this section, shall mean that area where spent fireworks fall back to Earth, as said area is determined and described by the Louisiana Fire Marshall.

(b) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on the first Saturday of December of each year, during that time period beginning at 3:30 p.m. and continuing until the area has been declared safe by the Fire Marshall, or his designee, on the day commonly referred to as "Christmas Festival Day". It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city, for the time period set forth above, on Christmas Festival Day.

(c) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on any day when a fireworks display occurs in downtown Natchitoches, during that time period beginning one hour prior to the time that a fireworks display is scheduled to begin, and continuing until the area has been declared safe by the Fire Marshall, or his designee. It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city for the time period set forth above, during any fireworks display.

(d) The Chief of Police of the City of Natchitoches, or his designee, shall have authority to mark and designate the bounds of such designated area, as identified by the Fire Marshall, or his designee, where the use, operation, mooring or docking of watercraft is prohibited with any appropriate signs, symbols or other markings fixed in a conspicuous place so as to visibly notify the public.

(e) Violation of this ordinance shall be a misdemeanor and which shall be punishable by a fine of not less that \$50.00, nor more than \$150.00. In addition, if any watercraft is not moved upon order of a law enforcement officer, law enforcement personnel are authorized to remove the watercraft. If the owner of the watercraft is not in attendance of the watercraft, or cannot be located, or if the owner of the watercraft refuses to remove the watercraft upon order of a law enforcement officer, the watercraft may be towed to a storage area with the owner of the watercraft being responsible for any towing and storage fees.

(f) On days when fireworks are to be display on the bank of Cane River Lake in downtown Natchitoches, no boats longer that 28 feet in length are to be allowed on Cane River Lake.

(g) All fees and fines imposed under this section shall be payable to the Cane River Waterway Commission.

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BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that if any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the Cane River Waterway Commission that each separate provision shall be deemed independent of all other provisions herein.

This Ordinance shall go into effect upon publication and in accordance with law.

Said Ordinance having been introduced on the 16 day of July, 2019, at a regular meeting of the Cane River Waterway Commission held at 244 Cedar Bend Road, City of Natchez, Louisiana.

Ordinance considered, on motion by Mr. Paige and seconded by Mr. Wiggins, to adopt the ordinance, a record vote was taken and the following

Result was had:

YEAS: 5 (Mr. Rhodes, Mrs. Vienne, Mr. Wiggins, Mr. Paige, Mr. Methvin)

NAYS: 0

ABSENT: 0

ABSTAIN: 0

Whereupon, the presiding officer declared the above Ordinance duly passed on this the 20 day of August, 2019.

Chairman Jim Rhodes