

The following Ordinance was Introduced by Mr. Nielsen and Seconded by Mr. Batiste as follows, to-wit:

**ORDINANCE NUMBER 040 OF 2018**

**AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 22-36 OF THE CODE OF ORDINANCES, WHICH SAID SECTION IS WITHIN ARTICLE III, ENTITLED “CANE RIVER LAKE” OF CHAPTER 22 ENTITLED “PARKS AND RECREATION”, SAID SECTION BEING AMENDED AND RE-ADOPTED TO PROVIDE FOR NEW REGULATIONS GOVERNING WATERCRAFT OPERATION DURING FIREWORKS DISPLAYS, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.**

**WHEREAS**, Section 22-36 of the Code of Ordinances of the City of Natchitoches provides for the restriction of boat traffic on Cane River Lake on Christmas Festival Day within a specified area for a specified time; and

**WHEREAS FURTHER**, the goal of this section is to provide for safety of boaters and property during the annual fireworks display that occurs on the evening of Christmas Festival Day; and

**WHEREAS FURTHER**, the occurrence of fireworks displays is now much more frequent in downtown Natchitoches and in order to provide for the safety of boaters and watercraft, the City Council of the City of Natchitoches desires to amend Section 22-36 of the Code of Ordinances in order to regulate the operation of watercraft on Cane River Lake on any evening when fireworks are being discharged in the downtown area; and

**WHEREAS FURTHER**, Section 22-36 currently provides as follows, to-wit:

“Sec. 22-36. Operation of watercraft on Christmas Festival Day restricted.

(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.

(b) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever on Cane River Lake within the corporate limits of the city in the area between a line extended straight in a westerly direction from the center of the right-of-way of Stephens Avenue across Cane River Lake and a line extended straight in an easterly direction from the center of the right-of-way of Lafayette Street across Cane River Lake, on the first Saturday of December of each year, between the hours of 6:00 p.m. and 9:00 p.m., on the day commonly referred to as "Christmas Festival Day," it being the intention of this section to prohibit the operation and use of any and all watercraft whatsoever within such designated area of the corporate limits of the city on Christmas Festival Day.

(c) The city police shall have authority to mark and designate the bounds of such area where the use and operation of watercraft is prohibited with any appropriate signs, symbols or other markings fixed in a conspicuous place so as to visibly notify the public."

; and

**WHEREAS FURTHER,** it is proposed that Section 22-36 be amended to provide as follows, to-wit:

"Sec. 22-36. 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 at 6:00 p.m. 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 punished in accordance with Section 1-9 of this Code. 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.”*

; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches has reviewed the proposed changes and agrees that the adoption is advisable and in the best interest of the City of Natchitoches and its citizens; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, Louisiana, desires to amend the Code of Ordinances of the City of Natchitoches in order to amend Section 22-36; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana, as follows:

**SECTION 1.** Section 22-36 of the Code of Ordinances of the City of Natchitoches is hereby amended and re-enacted to read as follows:

“Sec. 22-36. 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 at 6:00 p.m. 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 punished in accordance with Section 1-9 of this Code. 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.”

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3.** 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 City Council that each separate provision shall be deemed independent of all other provisions herein.

**SECTION 4.** This Ordinance shall go into effect upon publication and in accordance with law.

**THIS ORDINANCE** was introduced on November 13, 2018 and published in the *Natchitoches Times* on November 17, 2018

The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

<b>AYES:</b>	<b>Batiste, Nielsen, Mims, Harrington, Morrow</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>



**THEREUPON**, Mayor Lee Posey declared the Ordinance passed by a vote of 5  
Ayes to 0 Nays this 26<sup>th</sup> day of November, 2018.

---

**LEE POSEY, MAYOR  
TEMPORE**

**DON MIMS, MAYOR PRO**

Delivered to the Mayor on the 27<sup>th</sup> day of November, 2018 at 10:00 A.M.