

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

ORDINANCE NUMBER 025 OF 2019

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 AMEND 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 during firework displays in downtown Natchitoches; and

WHEREAS FURTHER, the goal of this section is to provide for safety of boaters and property during the fireworks display that occurs in downtown Natchitoches; and

WHEREAS FURTHER, Section 22-36 was amended by Ordinance Number 40 of 2018, to provide for the regulation of boat traffic during all fireworks displays with boat traffic being prohibited beginning at 6:00 P.M. on days when fireworks are scheduled; and

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend Section 22-36 of the Code of Ordinances in order to provide that the operation of watercraft be prohibited in the designated area beginning one hour prior to the scheduled fireworks display; and

WHEREAS FURTHER, Section 22-36 currently provides 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 in 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, 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 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.

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; 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 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 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 in 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 June 24, 2019 and published in the *Natchitoches Times* on June 27, 2019.

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:

AYES:	Batiste, Nielsen, Mims, Harrington, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0

Nays this 8th day of July, 2019.


LEE POSEY, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 9th day of July, 2019 at 10:00 A.M.

CERTIFICATE

**STATE OF LOUISIANA
PARISH OF NATCHITOCHEES**

I, Stacy M. McQuearry, Clerk of the City Council of the City of Natchitoches, State of Louisiana, hereby certify that the attached Ordinance is a true and exact copy of same as adopted by the Mayor and Council of the City of Natchitoches on the 8th day of July, 2019.

Given under my official signature and seal of office this 10th day of July, 2019.


Clerk of Council