

ORDINANCE NUMBER 1 OF 2002

AN ORDINANCE ENACTING REGULATIONS FOR THE OPERATION AND USE OF WATERCRAFT ON THE CANE RIVER WATERWAY, PROVIDING FOR PENALTIES, AND ADVERTISEMENT.

WHEREAS, the Cane River Waterway Commission is a political subdivision of the State, created pursuant to R. S. 34:3261, et. seq.,

WHEREAS FURTHER, the Cane River Waterway Commission was created for the purpose of establishing, operating and maintaining the Cane River Waterway; included in the powers delegated to the Cane River Waterway District is the power be the regulatory authority of the Cane River Waterway and its use pursuant to R. S. 34:3269(13); and

WHEREAS FURTHER, the governing authority of the Cane River Waterway District, the Cane River Waterway Commission, desires to adopt certain regulations regarding the regulation and use of the Cane River waterway by boaters in order promote the safety and welfare of the those persons utilizing the Cane River Waterway;

NOW THEREFORE, BE IT ORDAINED in legal session convened and in accordance with Louisiana R. S. 34:3261, et. seq., and specifically, R. S. 34:3269(13), the following ordinance was adopted;

Section 1. Definitions

As used in this Ordinance unless the context requires a different meaning:

- (1) "Vessel" means watercraft and air boats of every description, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- (2) "Watercraft" means any contrivance used or designated for navigation on water.
- (3) "Motorboat" means any vessel equipped with or propelled by any type of machinery whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.
- (4) "Sailboat" means any watercraft propelled by sail or canvas. For the purpose of this Part, any watercraft propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat when being so propelled.
- (5) "Owner" means a person, other than a lien holder, having a property interest in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

- (6) "Person" means an individual, partnership, firm, corporation, association, or other entity.
- (7) "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.
- (8) "Operate" means to navigate or otherwise use a motorboat or vessel.
- (9) "Commission" means the Cane River Waterway Commission.
- (10) "HP" means the manufacturer's rated horsepower.

Section 2. Careless operation

Any person who shall operate any watercraft in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons or at a rate of speed greater than will permit him, in the exercise of reasonable care, to bring the watercraft to a stop within the assured clear distance ahead shall be guilty of the crime of careless operation, punishable by a fine of not more than \$300.00, or by imprisonment of not more than 30 days, or by both.

Section 3. Reckless operation

Any person who shall operate any watercraft in such a manner as to endanger the life or limb or damage the property of any person shall be guilty of the crime of reckless operation, punishable by imprisonment of not more than 90 days, or by a fine of not more than \$500.00, or both.

Section 4. Overloading

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

Section 5. Waterskiing

- A.
 - (1) No motorboat which shall have in tow or shall be otherwise assisting a person on water-skis, surfboard, or similar contrivance shall be operated or propelled in or upon the Cane River Waterway unless such motorboat shall be occupied by at least two competent persons.
 - (2)
 - (a) This subsection shall not apply to motorboats used by representatives of duly constituted water-ski schools in the giving of instruction or to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor if applicable permit has been obtained from the Cane River Waterway Commission or the United States Coast Guard.
 - (b) This subsection shall not apply to a motorboat being operated by a person sixteen years old or older, which is equipped with a wide-angle convex marine rearview mirror of a minimum size of seven inches by fourteen inches in a position to observe the skiers being towed.
 - (c) The provisions of this subsection shall not apply to operation of personal watercraft.
- B. No motorboat shall have in tow or shall be otherwise assisting a person on water, skis, surfboard, or similar contrivance from the period of one hour after sunset to one hour prior to sunrise.

- C. All motorboats having in tow or otherwise assisting a person on water skis, surfboard, or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

Section 6. Classification and required equipment

- A. Motorboats and vessels subject to the provisions of this ordinance shall be divided into three classes as follows:

- (1) Class A. Less than sixteen (16) feet in length.
- (2) Class 1. Sixteen (16) feet or over and less than twenty-six (26) feet in length.
- (3) Class 2. Twenty-six (26) feet or over.

- B. Every motorboat or vessel when underway in all weather from sunset to sunrise shall carry and exhibit the following lights and during such time no other lights which may be mistaken for those described shall be exhibited:

- (1) Every motorboat or vessel of Class A and 1 shall carry the following lights:

- (a) First. A bright white light aft to show all around the horizon.
- (b) Second. A combined lantern in the fore part of the vessel and lower than the white aft showing green to starboard and red to port so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

- (2) Every motorboat or vessel of Class 2 shall carry the following lights:

- (a) First. A bright white light in the fore part of the vessel as near the stern as practicable so constructed as to show an unbroken light over an arc of the horizon of twenty point of the compass and so fixed as to throw the light ten points on each side of the vessel, namely from right ahead to two points abaft the beam on either side.
- (b) Second. A bright white light aft to show all around the horizon and higher than the white light forward.
- (c) Third. On the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Motorboats and vessels of Classes A and 1 when propelled by sail alone shall carry the combined lanterns but not the white light aft described by this section. Motorboats and vessels of Class 2 when so propelled shall carry the suitably screened colored side lights but not the white lights prescribed by this section. Motorboats and vessels of all classes when underway shall carry ready at hand a lantern or flashing light showing a white light which shall be exhibited in sufficient time to avert collision.

- C. (1) Every motorboat or vessel shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the Louisiana Wildlife and Fisheries Commission for each person on board so placed as to be readily accessible; however, every owner or operator of motorboats carrying passengers for hire shall provide and carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the Louisiana Wildlife and Fisheries Commission for each person on board. In addition, boats 16 feet in length or longer must carry a Coast Guard approved Type IV throwable device.

(2) Every person twelve years or younger on board a Class A or Class 1 motorboat or vessel shall wear a coast guard approved jacket or life preserver while such outboard motorboat or vessel is underway.

(3) For the purpose of this subsection "underway" shall mean at all times except when a boat is anchored, moored, or aground.

(4) The operator of the boat shall be responsible and held liable for violations of this subsection.

- D. Every motorboat shall be provided with such number, size and type of fire extinguisher, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Louisiana Wildlife and Fisheries Commission. Such fire extinguishers shall be kept in condition at all times for immediate and effective use and shall be so placed as to be readily accessible.

Section 7. Regulation of personal watercraft

- A. A person shall not operate a personal watercraft unless each person aboard is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard.
- B. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach such lanyard to his person, clothing, or personal flotation device as appropriate for the specific vessel.
- C. A person shall not operate a personal watercraft at any time between sunset and sunrise.
- D. A personal watercraft shall at all times be operated in a reasonable and prudent manner as defined in Section 3.
- E. No person under the age of thirteen shall operate a personal watercraft on Cane River Lake.
- F. It shall be unlawful for the owner of any personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under thirteen years of age in violation of this Section.

Section 8. Operation of watercraft on Cane River Lake when closed

- A. Cane River Lake shall be closed to all watercraft traffic when the water level reaches 99 feet above mean sea level, and shall reopen when the water level drops to 98.5 feet above mean sea level. No watercraft shall be operated on Cane River Lake while the river is closed.
- B. During the time the river is closed, the public launches shall be closed. Any person using a public boat launch or tampering with any chain or post or other instrumentality used to barricade any public boat launch, while the river is closed, may be fined in accordance with Section 11, and may be further fined for any damage caused at the public boat launch.

Section 9. Fishing tournaments

- A. No fishing tournament shall be held on Cane River Lake unless a permit is obtained from the Cane River Waterway Commission prior to the event, and proof of insurance is provided to the Cane River Waterway Commission, showing the Cane River Waterway Commission as an additional insured with limits in the amount of no less than \$1,000,000.00. Any person or persons who participates in, sponsors, holds, or runs a fishing tournament on Cane River Lake in violation of the above shall be punished by a fine of not more than \$300.00.
- B. No fishing tournament held on Cane River Lake shall exceed a total participation of thirty-five boats. Any person or persons who sponsors, holds, or runs a fishing tournament on

Cane River Lake in violation of the above shall be punished by a fine of not more than \$300.00. Each boat over the limit of thirty-five boats shall be considered a separate offence.

Section 10. Littering

A. No person shall intentionally dump, leave or deposit any glass or metallic objects, trash, refuse, or garbage in Cane River Lake, or any lands adjacent thereto. Once it is established that dumped, left or deposited litter was possessed by a particular person, immediately before the act of dumping, there shall be a rebuttable presumption that the possessor committed the act of dumping, leaving, or depositing.

B. Whoever violates the provisions of this section shall be punished as follows:

(1) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished in accordance with the following:

(a) Any person violating the provisions of this section shall be fined not less than \$100.00, nor more than \$300.00, or shall be ordered to pick up trash or refuse for a period of not less than 10 hours, nor more than 40 hours, or both, upon a first conviction.

(b) For a second conviction, such person shall be fined not less than \$200.00, nor more than \$400.00, or shall be ordered to pick up trash or refuse for a period of not less than 100 hours, nor more than 200 hours, or both.

(c) For a third conviction, such person shall be fined not less than \$400.00, nor more than \$500.00, or shall be ordered to pick up trash or refuse for a period of not less than 100 hours, nor more than 200 hours, or both.

(2) All fines collected under the provision of this section shall be used to offset the costs of administering this section.

Section 11. Penalties

Unless otherwise provided in this subsection, any person who violates any provision of this ordinance shall be guilty of a misdemeanor, shall be subject to a fine of not less than \$50.00, no more than \$150.00 for each such violation.

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

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 21st day of May, 2002, at a regular meeting of the Cane River Waterway Commission held at 616 Front Street, City of Natchitoches, Louisiana.

Ordinance considered, on motion by Kenneth Prudhomme and seconded by Danny Matt, to adopt the ordinance, a record vote was taken and the following result was had:

YEAS: Danny Matt, C.D. Brazzel, Kenneth Prudhomme, and Grits Gresham

NAYS: None

ABSENT: Ann Brittian

Whereupon, the presiding officer declared the above Ordinance duly 18th day of June, 2002.


C. D. Brazzel, President