

ORDINANCE NUMBER 1 OF 2008

AN ORDINANCE AMENDING ORDINANCE NUMBER 1 OF 2002 WHICH ENACTED REGULATIONS FOR THE OPERATION AND USE OF WATERCRAFT ON THE CANE RIVER WATERWAY, IN ORDER TO AMEND THE REGULATION OF PERSONAL WATERCRAFT, 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, adopted 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 by Ordinance Number 1 of 2002; and

WHEREAS FURTHER, the Cane River Waterway Commission desires to amend section 7 of Ordinance Number 1 of 2002 in order to raise the minimum age of persons authorized to operate personal watercraft on Cane River Lake:

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 Ordinance Number 1 of 2002 is hereby amended to provide for a new Section 7, which shall provide as follows, to-wit:

“Section 7. Regulation of personal watercraft

1. 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.
2. 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.
3. A person shall not operate a personal watercraft at any time between sunset and sunrise.
4. A personal watercraft shall at all times be operated in a reasonable and prudent manner as defined in Section 3.

5. No person under the age of sixteen shall operate a personal watercraft on Cane River Lake. However, persons thirteen years of age or older on January 1, 2005, who have not attained the age of sixteen, may operate a personal watercraft upon Cane River Lake, provided that they have completed a boating safety education course and carry proof of completion of the course.
6. 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 sixteen years of age or in the absence of the conditions provided for in Subsection 5 of this Section."

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 20 day of MAY, 2008, at a regular meeting of the Cane River Waterway Commission held at 616 Front Street, City of Natchitoches, Louisiana.

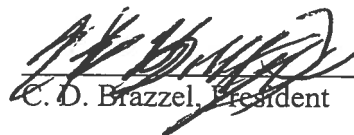
Ordinance considered, on motion by MATT and seconded by KHOURY, to adopt the ordinance, a record vote was taken and the following result was had:

YEAS: 5

NAYS: 0

ABSENT: 0

Whereupon, the presiding officer declared the above Ordinance duly passed on this the 20 day of MAY, 2008.


C. D. Brazzel, President