

## ORDINANCE NUMBER 3 OF 2009

AN ORDINANCE ADMENDING 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 WATERSKIING, LIFE PRESERVER, REAR DECK RIDING, LANYARD, 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 to promote the safety and welfare of those persons utilizing the Cane River Waterway by Ordinance Number 1 of 2002; and

**WHEREAS FURTHER**, the Cane River Waterway Commission amended Ordinance Number 1 of 2002 by Ordinance Number 1 of 2008 to provide for a change in Section 7, Regulation of Personal Watercraft: and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 5 of Ordinance Number 1 of 2002 in order to require all persons to wear a life preserver while on water skis, surfboard, or similar contrivance; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 5 of Ordinance Number 1 of 2002 in order to require that no motorboat or vessel shall have water filled chambers in the stern so as to weight the back section of the motorboat or vessel while in tow or shall be otherwise assisting a person on water skis, surfboard, or similar contrivance; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 5 of Ordinance Number 1 of 2002 in order to restrict wake surfing or wake skating on Cane River Waterway; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to raise the minimum age of persons required to wear a life preserver; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to require all persons to wear a life preserver on motorboats or vessels with a tiller handle; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to require all persons operating a motorboat or vessel with a tiller handle and a ten horsepower or greater motor to have equipped a lanyard type engine cutoff switch; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to require that no person shall ride on the gunwales, front deck, or rear deck of a motorboat or vessel; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to require all motorboats or vessels to follow the Rules of the Road; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to require motorboats or vessels to be equipped with a sound producing device; and

**WHEREAS FURTHER**, the Cane River Waterway Commission desires to amend Section 6 of Ordinance Number 1 of 2002 in order to restrict motorboats or vessels from interfering with or blocking navigation on Cane River Waterway; and

**WHEREAS FURTHER**, the Cane River Waterway Commission finds that the amendments to Sections 5 and 5 of Ordinance Number 1 of 2002 are necessary to provide for the safety and welfare of those persons utilizing the Cane River Waterway and to further protect and preserve the property rights of those persons who own property adjacent to Cane River Lake; and

**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 5 and 6, which shall provide as follows, to-wit:

**“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 trails therefore 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 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 motor boat 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. Persons engaged in watersports, which includes but is not limited to waterskiing, towing a tube, wake boarding, etc... must wear a Type I, II, III, or V PFD. Vessel operators can not tow a watersport participant who is not wearing a PFD. An inflatable PFD dose not meet the requirements.
- D. No motorboat or vessel shall have water filled compartments in the stern so as to weight the back the motorboat or vessel engaged in watersports, which includes but is not limited to waterskiing, wake boarding, or similar contrivance on the Cane River Waterway. Water filled compartments in the stern of motorboats or vessels engaged in watersports are designed to create a large wake that will cause damage to shoreline, and interruption of navigation in a narrow channel.
- E. No vessel or motorboat operator shall tow participants engaged in wake surfing or wake skating on the Cane River Waterway. Wake surfing or wake skating is design to create a large wake that will cause damage to shorelines, and interruption of navigation in a narrow channel.
- F. 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 a 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 motor boat or vessel of Class A and 1 shall carry the following lights:
    - (a) First. A bright white 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 points 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 suitable 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 regulation 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 sixteen 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) All persons onboard a Class A motor boat which is being propelled by a hand tiller outboard motor shall be required to wear a USCG approved Type I, II, III, or V personal flotation device while the motorboat is underway. A hand tiller outboard is described as an outboard motor that has a tiller or steering arm attached to the outboard motor to facilitate steering and does not have any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electronic control systems.
  - (4) For the purpose of this subsection "underway" shall mean at all times except when a boat is anchored, moored, or aground.

- (5) 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.
- E. No person shall operate a Class a or Class One Motorboat with a hand tiller outboard motor in excess of ten horsepower designed to have or having an engine cut-off switch, while the engine is running and the motorboat is underway, unless:
- a. The engine cut-off switch is fully functional and in operable condition
  - b. The engine cut-off switch link is attached to the operator, the operator's clothing, or if worn, the operator's personal flotation device.
- F. All motorboats or vessels shall apply Rules of the Road on Cane River Waterway. Rules of the Road is defined as a non-powered or powered motorboat or vessel navigating to the right passing on the left, staying in a single file, as an imaginary highway with a center line.
- a. This subsection shall not apply to troll fishing
  - b. This subsection shall not apply to approved event(s)
  - c. This subsection shall not apply to any navigating circumstance that will avoid a boating accident
- G. All motorboats or vessels are required to have a sufficient sound signaling device. All Class two vessels are required a bell in addition to the sound signaling device.
- H. No person shall operate any watercraft in a manner which shall unreasonably or unnecessarily interfere with or block other watercraft or vessel or with the free and proper navigation of Cane River Waterway.
- I. No person operating a motor boat shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking over the bow or the decking over the stern of the motorboat or vessel while underway unless such motorboat or vessel is provided with adequate guards or railing to prevent passengers from being lost overboard
- a. For the purpose of this subsection "underway" shall mean at all times except when a boat is anchored, moored, or aground."

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 15 day of September, 2009, at a regular

meeting of the Cane River Waterway Commission held at 616 Front Street, City of Natchitoches, Louisiana.

Ordinance considered, on motion by Uienne and seconded by Laborde, to adopt the ordinance, a record vote was taken and the following

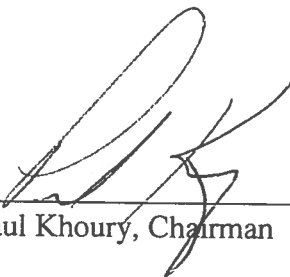
Result was had:

YEAS: 05

NAYS: 0

ABSENT: 0

Whereupon, the presiding officer declared the above Ordinance duly passed on this the 20 day of October, 2009.

  
\_\_\_\_\_  
Paul Khoury, Chairman