

2019-0205

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE, DIVISION B

ORDINANCE NO. 19-12-17

An ordinance to amend the Code of Ordinances for the Parish of St. Charles, Chapter 5 Boats, Docks and Waterways, Article I.-In General, Section 5-5 Abandoned vessels in parish waterways., and Chapter 16-Nuisances.

- WHEREAS,** sunken vessels pose or have the potential of posing environmental issues, safety issues, and impacts on our waterfront communities; and,
- WHEREAS,** abandoned vessels are aesthetically unpleasant and affects the peaceful use and enjoyment for nearby waterfront community property owners; and,
- WHEREAS,** the State of Louisiana has passed Louisiana Revised Statute 34:843 which gives local governing authority jurisdiction allowing local municipalities to address abandoned vessels in waters located within the Parish; and,
- WHEREAS,** it is the desire of the Council to prevent having future sunken vessels impact our waterways and our communities and which lessens the beauty of the waters located within the Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 5 Boats, Docks and Waterways, Article I.-In General, Section 5-5 Abandoned vessels in parish waterways. be hereby amended with new text underlined and deleted text in ~~strikethrough~~:

Sec. 5-5. - Abandoned vessels and objects in parish waterways waters located within the Parish are to be addressed under the provision provided for in Chapter 16 – NUISANCES.

SECTION II. That the Code of Ordinances, Chapter 16 Nuisances, be hereby amended with new text underlined and deleted text in ~~strikethrough~~:

ARTICLE V. - ABANDONED VESSELS AND OBJECTS IN WATERS LOCATED WITHIN THE PARISH

Provisions for addressing abandoned and/or sunken tugs, towboats, barges, watercraft, ships, vessels, equipment, machinery, or any object of any kind or description, whether foreign or domestic, which has sank or has been left unattended, stored without permission, junked, or abandoned in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within St. Charles Parish shall be in accordance with R.S. 34:843. Upon the Department of Planning & Zoning receiving a complaint relative to any such items, the Department shall initiate the process to address the complaint within fourteen (14) days of receiving the complaint. In cases where the owner is known, the Department of Planning and Zoning shall refer the matter to the Legal Department within fourteen (14) days following the item's owner failing to provide a plan to remove such item as required by R.S. 34:843 or within fourteen (14) days following the owner failing to execute the plan following its approval by the Department of Planning and Zoning. Subsequently, the Legal Department shall take all steps necessary in order to have such items removed by the Public Works Department or by a professional service provider. Reimbursement of all cost incurred by the Parish shall be sought by the Legal Department from the owner by any and all possible legal means.

SECTION III. That the provisions of Section I shall only apply to objects of any kind or description whether foreign or domestic, which has sank, been left unattended, stored, junked, or abandoned in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within St. Charles Parish following the adoption of this ordinance and shall only apply to items which the Department of Planning and Zoning has received a complaint.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: HOGAN, CLULEE, WOODRUFF, BELLOCK, FLETCHER

NAYS: BENEDETTO, WILSON, GIBBS, FISHER-PERRIER

ABSENT: NONE

And the ordinance was declared adopted this 16th day of December, 2019 to become effective five (5) days after publication in the Official Journal.

2019-0205 Amend Code - Chapter 5 Sec. 5-5 Abandoned vessels (11-27-19) (1_12-2-19).docx

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: December 17, 2019

APPROVED: [Signature] DISAPPROVED: [Signature]

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: December 19, 2019

AT: 7:27am RECD BY: [Signature]