

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

An ordinance to amend the Code of Ordinances for the Parish of St. Charles, Chapter 5 Boats, Docks and Waterways, Section 5-5 Abandoned vessels in waters located within the Parish.

**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, Section 5-5 Abandoned vessels in parish waterways be hereby amended by adding the following with new text underlined and deleted text in ~~strikethrough~~:

**Section 5-5. Abandoned vessels and objects in parish waterways waters located within the Parish.**

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 are strictly prohibited. The provisions for addressing abandoned vessels violations shall be in accordance with R.S. 34:843. Upon the Department of Planning & Zoning receiving a complaint, the owner of such described items shall be cited by the Department with a demand that a removal plan be submitted to the Department within thirty (30) days of formal notification for review and approval. Failure to provide the Department with an acceptable plan with a "to be removed by date" or failure to execute a plan after approval within the time allotted an approved plan shall result in the Department referring the case to the Legal Department within 48 hours. In the case where 1) a plan is not submitted as required, or 2) a plan is not executed following its approval, the Legal Department shall immediately issue a demand letter by certified mail stating that the Parish shall enter into a professional service agreement with a professional salvage company to have the item removed at the owner's cost should 1) the owner fail to submit a plan for approval, or 2) should the owner fail to carry out an approved plan, both within twenty-one (21) days of the certified mailing dates, and that all cost incurred by the Parish relative to it addressing this item and its removal shall be pursued by all means provided for by law.

**SECTION II.** 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 to items which the Department of Planning and Zoning has received a complaint.

The foregoing proposed ordinance was postponed indefinitely on November 18, 2019, by the following vote:

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF, BELLOCK, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE