

**2013-0312**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**

An ordinance to amend the Parish Code of Ordinances, Chapter 5. Boats, Docks and Waterways, Article II. Airboats.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Chapter 5. Boats, Docks and Waterways, Article II. Airboats be amended as follows:

**Sec. 5-14. Defined.**

**As written-**

An airboat is defined to be any boat, sled, sea skiff or swamp boat pushed, pulled or propelled by airpower generated by a non-detachable motor of more than twenty-five (25) horsepower including any vessel with a propulsion mechanism similar to that of an airplane with propulsion out of the water.

**Amended-**

*Airboat:* Any water craft propelled by means of an air propeller powered by an engine of at least twenty-five (25) horsepower.

*Idle Speed:* Bare steerage speed, the slowest speed the vessel can travel while allowing the operator to safely maintain directional control of the vessel to produce the minimum water surface turbulence and create no wake.

**Sec. 5-18. Area of use restricted.**

**As written-**

The operation and use of airboats in the parish is hereby restricted to use for lawful purposes on real property or land for which the airboat is registered and the navigable streams of the parish.

**Amended-**

(a) The operation and use of airboats in the parish is hereby restricted to use for lawful purposes on real property or land upon which the airboat has permission to operate and the navigable streams of the parish. The operating of airboats on real property or land upon which the airboat does not have permission to operate is hereby authorized for any emergency, police, fire, ambulance, or other governmental vessels, airboats or other water craft when same is being operated in an official capacity or in association repairs to any utilities, pipelines, transmission lines, or related infrastructure, and for maritime or other emergency use.

(b) It shall be unlawful to operate an airboat at more than idle speed within three hundred (300') feet of a public boat launch and/or public docking facility adjacent to a public boat launch.

**As written-**

**Sec. 5-20. Penalty.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall forfeit and surrender his license to the court and shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, at the discretion of the court.

**Amended-**

**Sec. 5-20. Enforcement and Penalty.**

(a) Enforcement of this Article is authorized, by state and local law enforcement agencies, and duly commissioned officers of state or federal wildlife and fisheries agencies.

(b) Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, at the discretion of the court.

(c) The penalty for any person violating the speed restrictions set forth in Section 5-18 (B) shall be in accordance with La. Revised Statute 56:31.

**ADD NEW SECTION TO CURRENT CODE**

**Sec. 5-21. Operation**

Airboats shall at all times be operated in compliance with all Parish, State and Federal laws and regulations.

**Sec. 5-22. Severability**

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

**NOW, THEREFORE BE IT ORDAINED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby amend the Parish Code of Ordinances, Chapter 5. Boats, Docks and Waterways, Article II. Airboats.

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

YEAS: SCHEXNAYDRE, HOGAN

NAYS: LEWIS, WILSON, WOODRUFF, BENEDETTO, COCHRAN,  
FISHER-PERRIER

ABSENT: FLETCHER

**PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON APRIL 6, 2015.**

2013-0312 Failed (4-6-15) ORD Airboats-revised version (L\_3-16-15)