

PARISH OF ASCENSION

STATE OF LOUISIANA

UNITED STATES OF AMERICA

ORDINANCE

PURPOSE: To amend the Ascension Parish Code of Ordinances, Chapter 22, Traffic, Article III. Watercraft, Section 22-30 – No wake zones.

WHEREAS, the population has grown along the Amite/Blind River basin over the years, and there have been situations arise where high-water events have threatened life and property; and

WHEREAS, in order to mitigate some of those threats and in order to protect life and property over the past years Ascension Parish in association with Livingston Parish has closed the waterways at times to recreational traffic based on the various conditions that have manifested; and

WHEREAS, there has never been an absolute guide to these closures which has led to much confusion to both local government as well as the public; and

WHEREAS, the Ascension Parish Waterway Commission has the authority to make recommendations to the parish council and the parish council has the authority to act on those recommendations, and to review the facts present in order to determine what is in the best interest, safety, and general welfare of the parish in amending the ordinance; and

WHEREAS, it is the desire of the Ascension Parish Waterway Commission to amend Ascension Parish Ordinance Chapter 22, Article III, Section 22-30 to include criteria for determining the closure of all waterways and determining when idle speed should be ordered for all waterways.

NOW THEREFORE, BE IT ORDAINED by the Ascension Parish Governing Authority that the Code of Ordinances of Ascension Parish Chapter 18, Political Subdivisions – Autonomous Boards, Commissions and Authorities, Article IX – Communications Districts, Section 18-90, be amended to specify and mandate that commissioners be appointed from the government entities or public safety agencies as more fully described in Exhibit A attached hereto and made a part hereof.

SEVERABILITY: In the event that any portion of this Ordinance is ever held invalid or unconstitutional for any reason by any court of competent jurisdiction over it, such portion shall be deemed a separate, distinct, and independent provisions and shall not affect the validity of the remaining portions of the Ordinance.

EFFECTIVE DATE: This ordinance shall be in full effect as permitted by law.

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

Yeas: Alvin Thomas, Joel Robert, Travis Turner, Corey Orgeron, Dempsey Lambert,
Aaron Lawler, Teri Casso, Dal Waguespack, John Cagnolatti, Michael Mason

Nays: None

Not Voting: None

Absent: Chase Melancon

This ordinance was passed on this 3rd day of June, 2021

/s/ Cinnamon McKey
Secretary

/s/ Clint Cointment
Parish President

Exhibit A

(Deletions are in ~~striketrough~~, additions are underlined.)

Sec. 22-30. No wake zones.

(a) Idle/no wake definition:

No person shall operate a motorboat, motor vessel, or recreational watercraft on waterways of this parish in excess of the posted maximum speed limit at that location which, when appropriate signs giving notice thereof are erected, shall be effective at all times or at such specific times as may be determined by the police jury. At any locations where a sign has been erected reading "Idle No Wake" or "No Wake Zone" or language with the same or similar meaning the maximum speed limit shall be five (5) miles per hour or less. The maximum speed limit of five (5) miles per hour or less, or the "No Wake Zones," in addition to other areas which may be posted, are as follows:

(1) *Black Bayou.*

- a. At the location of the Stringer Bridge Parish Landing – 300 feet on either side of the landing;

(2) *Bayou Francois.*

- a. At P.J.'s landing (now or formerly) 300 feet up current of dock and 300 feet down current of boat launch;

(3) *Diversion Canal.*

- a. At the location of Andrew Jauger's On the River, or current name of establishment located at the intersection of the Diversion Canal and Petite Amite, three hundred (300) feet up current on the Diversion Canal from the end of the public accessible boat dock to three hundred (300) feet down current of Petite Amite from the end of the accessible boat dock.

(4) *Sevario Canal.*

- a. 300 feet on either side of Rogers C. Road Bridge.

(b) Criteria for determining idle/no wake zone areas:

By authority of the parish council, an area must include one or more of the following, in order to be considered for establishment of an official (Idle/No Wake Zone) on the waterways of this parish. Once created, the nominal distance within these zones shall be no less than three hundred (300) feet in all directions deemed appropriate for the prevailing circumstances.

- (1) Bridge crossing a waterway.
- (2) Publicly accessible boat launching facility.
- (3) Publicly accessible boat docking facility.
- (4) Publicly accessible docking facility with boat refueling (gasoline, diesel) capabilities.
- (5) Intersections of major waterways.
- (6) Any area with a history of boating related accidents.
- (7) All of the above stated criteria exclude:
 - a. Private Clubs.

- b. Boat launches capable of parking less than ten (1) vehicle/trailer combinations.
- (8) The Ascension Parish Waterway Commission has the authority to make recommendations to the parish council. The parish council has the authority to act on those recommendations, and review the entire set of facts presented to them on a case by case basis in order to determine what is in the best interest, safety, and general welfare of the parish in deeming an area an idle/no wake zone.

(c) Established areas of idle/no wake zone:

The following areas shall be immediately posted and enforced as Idle/No Wake Zones.

- (1) The Amite River at Port Vincent at the Hwy 42 Bridge. Three hundred (300) feet up current of Fred's (or current name of establishment) to three hundred (300) feet down current of Smuggler's Cove (or current name of establishment).
- (2) Amite River three hundred (300) feet up current of Dock Restaurant and Lounge (or current name of establishment).
- (3) Area known as the Weir three hundred (300) feet in all directions of the boat-way where the Amite River and Diversion Canal intersect.
- (4) Diversion Canal at the highway 22 bridge. Three hundred (300) feet up current of Canal Bank Club (or current name of establishment) dock.
- (5) Blind River at the intersection of the Diversion Canal. Three hundred (300) feet on either side of the intersection with the Diversion Canal.
- (6) Ascension Parish flood control pumps, three hundred (300) feet of waterway in all directions surrounding the parish flood control pumps.
- (7) When the river gauge at Port Vincent reaches four (4) feet or the river gauge at the Amite River at Hwy 22 reaches three (3) feet, the waterways will be determined to be a minor to moderate threat to properties lying along the shoreline and it shall be ordered that all vessels traversing along any waterway in this parish will do so at Idle only speed when passing any physically man made structure along the shoreline until such time as the river gauge falls below four (4) feet at Port Vincent or three (3) feet at the Amite River at Hwy. 22.

(d) Signage:

The governing body of the parish shall determine all criteria (size, shape, color(s) wording, etc.) as to the design of the proper signs to be placed at all official Idle/No Wake Zones within the parish. The parish shall be responsible for the construction, placement and maintenance of all such signs. The signs shall, at minimum, contain the wording, IDLE/NO WAKE ZONE to be placed at the beginning, (all directions of travel), of each idle/no wake zone and END IDLE/NO WAKE ZONE to be placed at the end, (all directions of travel), of the respective idle/no wake zone. The signs shall also contain Parish Code of Ordinances section 22-30, as well as the GPS coordinates for each sign.

(e) Duration.

Idle/no wake zones shall become effective for places of business in the establish areas upon the acceptance by the parish council. Should a business in the established area cease to operate for a period of ten (10) days or more, the idle/no wake zone shall be lifted ipso facto. Should the premises resume operations at a later time, the idle/no wake zone shall automatically be reinstated.

(f) Criteria for determining the closure of all waterways in Ascension Parish.

- (1) When the river gauge at Port Vincent reaches eight (8) feet or the river gauge at the Amite River at Hwy 22 reaches four (4) feet, the waterways will automatically close to all recreational traffic and river travel for recreational purposes will be halted until the river gauge falls below eight (8) feet at Port Vincent or four (4) feet at the Amite River at Hwy 22.
- (2) When the rivers have reached a point where they are closed the parish will issue a news release to the public via all local news media advising them as such and will close all public boat landings in the parish.
- (3) A violation of this action would constitute a violation of Ascension Parish Ordinance section 22-30 and will be enforceable by all local, parish and state law enforcement.

(g) Exceptions during the closure of all waterways in Ascension Parish.

- (1) Persons with camps or properties only accessible by vessel. As such, a person will be required to carry on their person some type of legal proof (Tax Certificate, etc.) showing they own properties down river and are going to check on its state and damage assessment. Any such person will be required to idle when passing any physically man-made structure along the shoreline.
- (2) Persons with commercial interest along the river and only accessible by vessel such as pipeline personnel, utility personnel (to restore power), commercial fisherman (must have commercial fishing license on person), emergency workers, law enforcement, etc. These personnel will also be required to idle when passing any physical man-made structure along the shoreline unless responding to a life-threatening incident.