

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7666

ORDINANCE COUNCIL SERIES NO.: 24-5559

COUNCIL SPONSOR: MR. IMPASTATO

PROVIDED BY: CIVIL DA/COUNCIL OFFICE

INTRODUCED BY: MR. IMPASTATO

SECONDED BY: MR. ROLLING

ON THE 1ST DAY OF AUGUST, 2024

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART I – CODE OF ORDINANCES, CHAPTER 28 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III – WATERWAYS, SEC. 28-121 – OPERATION; SPECIAL SPEED LIMITS; DEFINITIONS, TO ADD CORRECT SECTIONS 28-121(A)(5)h AND 28-121(A)(1)i; AND TO CREATE AN ADDITIONAL “DEAD SLOW” SPEED LIMIT ON PORTIONS OF BAYOU LACOMBE; AND TO REVISE THE DEFINITION OF “DEAD SLOW” IN SEC. 28-121(b), (c), AND (e) (WARD 7, DISTRICT 7).

WHEREAS, in the interest of public safety, health and general welfare, it is necessary to create an additional speed limit of “dead slow” on portions Bayou Lacombe as described on the attached map; and,

WHEREAS, a prior amendment to St. Tammany Code of Ordinances Sec. 28-121 mistakenly created Subsection 28-121(a)(5)h to establish a new speed limit on the Tchefuncte River should have been added as Subsection 28-121(a)(1)i and needs to be corrected; and,

WHEREAS, the Parish Council is authorized by Louisiana law to regulate the speed of watercraft on waterways in the Parish, though it does not create “no wake” zones. In order to avoid confusion, it is necessary to revise the definition of “special speed limits” in Subsection 28-121(b)(1).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Part I – Code of Ordinances, Chapter 28 – Offenses and Miscellaneous Provisions, Article III – Waterways, Sec. 28-121 – Operation; Special Speed Limits; Definitions, be amended to correct Subsection 28-121(a)(5)h and move same to Subsection 28-121(a)(1)i; to establish a new speed limit on portions of Bayou Lacombe to added as the corrected Subsection 28-121(a)(5)h; and to revise the definition of “Dead Slow” in Subsections 28-121(b), (c), and (e), as reflected below:

Sec. 28-121. Operation; special speed limits; definitions.

(a) *Unlawful operation.* It shall be unlawful to operate any vessel or watercraft on any waterway in the parish such that its speed exceeds a speed of "dead slow" within the following described "Dead Slow, ~~No Wake~~" zones:

(1) Tchefuncte River area.

- a. A portion of the Tchefuncte River from a point 1.5 miles upstream from the river's mouth at Lake Pontchartrain to a point 2.75 miles north of the river's mouth at Lake Pontchartrain. This 1.25 mile stretch of river encompasses an area from roughly 700 yards south of the Highway 22 bridge south of the Marina Del Ray entrance to a point in the curve just upstream from the commercially developed portion of Highway 22 that backs up to the river.
- b. A portion of the Tchefuncte River beginning at a line across the river at a point 200 feet north of an inlet off the river commonly known as High Bridge Canal, and extending 0.5 miles downstream to the mouth of the river at Lake Pontchartrain.
- c. Within the Tchefuncte Country Club Marina and associated canals and slips, including the mouth of the marina at the Tchefuncte River, in their entirety.
- d. Within the Marina Beau Chene and associated canals and slips in their entirety.
- e. Pontchitolowa Creek from its mouth at the Tchefuncte River to a bridge at Highway 190.

- f. Lake Emfred in its entirety.
- g. Lazy River Estates Area. Those waterways commonly known as Frances Bayou, Dorothy Bayou, Blanche Bayou, and Sally Bayou in their entirety and Bayou Monga from the power line crossing upstream to Interstate 12.
- h. A portion of the Tchefuncte River beginning at a line across the river at a point 300 feet north of the entrance to Marina Beau Chene, and extending to a line across the river at a point 300 feet south of the entrance to Marina Beau Chene. All costs incurred by the parish with the installation and maintenance of necessary and appropriate signage marking this "Dead Slow, No Wake" zone shall be reimbursed to the parish by Marina Beau Chene.
- i. A portion of Tchefuncte River commencing approximately 330 feet North and South of the I-12 bridge.

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(5) Bayou Lacombe area.

- a. Lacombe Harbor area. Those waterways known commonly as the Lacombe Harbor Subdivision canals, Crutch Bay, Perch Bay, Finger Bay, Pine Bay, Cypress Bay, and Cypress Bayou in their entirety.
- b. ~~Bayou Lacombe from Tammany Trace downstream to the Patterson Canal.~~
- b. All other canals or tributaries of Bayou Lacombe as identified on the attached map [of Ord. No. 24-_____].
- c. Bayou Lacombe from 300 feet upstream from Powell Bayou to a point in the curve immediately downstream from the seaplane base.
- d. Bayou Lacombe from a point 300 upstream from Love's Canal to a point in the next curve immediately downstream as noted on attachment A associated with Ordinance No. Cal Number 569, Police Jury Series Number 85-515.
- e. Powell Bayou and the canals associated with Powell Heights Subdivision in their entirety.
- f. Bayou Manor Subdivision, the entirety of the canal system associated with Bayou Lacombe Manor Subdivision.
- g. A portion of Bayou Lacombe commencing approximately 1,300 feet downstream from the Highway 190 Bridge and ending approximately 1,800 feet downstream from the Highway 190 Bridge as indicated on the attached map [of Ord. No. 21-4531].
- h. ~~A portion of Tchefuncte River commencing approximately 330 feet North and South of the I-12 bridge.~~ A portion of Bayou Lacombe commencing at latitude 30.31373586600006, longitude -89.935762616999966, and ending at latitude 30.312676046000036, longitude -89.933495152999967 as indicated on the map attached as Exhibit "A" [of Ord. No. 24-_____].
- i. A portion of Bayou Lacombe commencing at latitude 30.31241272400007, longitude -89.932848690999947, and ending at latitude 30.30995556600004, longitude -89.929614937 as indicated on the map attached as Exhibit "B" [of Ord. No. 24-_____].
- j. A portion of Bayou Lacombe commencing at latitude 30.309638633000077, longitude -89.92836058299997, and ending at latitude 30.305114931000048, longitude -89.925481002 as indicated on the map attached as Exhibit "C" [of Ord. No. 24-_____].
- k. A portion of Bayou Lacombe commencing at latitude 30.279453987000068, longitude -89.953703524, and ending at latitude 30.278962581, longitude -89.953565088999937 as indicated on the map attached as Exhibit "D" [of Ord. No. 24-_____].

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(b) *Special speed limits and "Dead Slow, ~~No Wake~~" zones.*

(1) *Special speed limits.*

- a. Unless otherwise officially posted, it shall be unlawful to operate any watercraft in excess of 45 miles per hour anywhere on the Tchefuncte River between the Highway 22 bridge at Madisonville upstream to the Interstate 12 bridge near Covington.
- b. Unless otherwise officially posted, it shall be unlawful to operate any watercraft in excess of 45 miles per hour anywhere on the Pearl River Navigation Canal between Hickory Field and Lock No. 2. This speed limit provides adequate velocity for slalom or barefoot skiing.

(2) *General "Dead Slow, ~~No Wake~~" zones.* It shall be unlawful to operate any vessel or watercraft on any waterway in the parish such that its speed exceeds a speed of "Dead Slow" within 100 yards (300 feet) on either side of any public boat launch or commercial fuel dock.

(c) *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Dead slow ~~or dead slow, no wake~~ means the minimum possible speed that any vessel or watercraft can travel and still maintain safe steerage.

Watercraft means any vessel or craft powered by any means designed for transport across the surface of water, including boats, ships, personal watercraft, barges, seaplanes, hovercrafts, etc.

(d) *Enforcement.* Enforcement of this section of this Code is authorized, directed and empowered to the following entities: agents of the parish sheriff's department, the state police, agents of the state department of wildlife and fisheries, and any other duly authorized peace officer of the state.

(e) *Signs.* It shall be the duty and obligation of the parish department of public works or its designees to post and maintain appropriate and visible signs at strategic and appropriate places to notify watercraft operators of the "Dead Slow, ~~No Wake~~" zones.

(f) *Exemptions.* Exempt herefrom shall be any enforcement watercraft or any watercraft bound on a bona fide life-saving mission.

(g) *Violation; penalties.* Violation hereof by any operator of any watercraft, other than those exempt, shall be punishable as follows:

- (1) First offense is \$50.00 and a certificate showing the successful completion of a boating safety course as approved by the National Association of State Boating Law Administrators (NASBLA).
- (2) Second offense is \$100.00 and a certificate showing the successful completion of a boating safety course as approved by the National Association of State Boating Law Administrators (NASBLA).
- (3) Third offense and subsequent offenses are \$300.00 and/or imprisonment in the parish jail for up to 30 days.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: MR. BURKE

SECONDED BY: MR. STRICKLAND

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: SMITH, ROLLING, CAZAUBON, SEIDEN, PHILLIPS, TANNER, IMPASTATO, BURKE, COUGLE, BINDER, CORBIN, STRICKLAND (12)

NAYS: (0)

ABSTAIN: (0)

ABSENT: O'BRIEN, LAUGHLIN (2)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5TH DAY OF SEPTEMBER, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-5559.



JOE IMPASTATO, COUNCIL VICE-CHAIR

ATTEST:



KATRINA L. BUCKLEY, COUNCIL CLERK



MICHAEL B. COOPER, PARISH PRESIDENT

09/24/2024 @ 2:00PM

Published Introduction: JULY 24, 2024

Published Adoption: October 02, 2024

Delivered to Parish President: September 13, 2024 at 4:15pm

Returned to Council Clerk: September 27, 2024 at ~3:00pm