

The following ordinance was presented by Donald J. Vizier, who moved for its adoption, and seconded by Harrison Cheramie, Jr.:

ORDINANCE NO. 25 (REVISED)

AN ORDINANCE MAKING IT UNLAWFUL TO NEGLIGENTLY ABANDON ANY VESSEL, BARGE OR OTHER FLOATING OR SUNKEN CRAFT WITHIN THE JURISDICITON OF THE PORT COMMISSION; MAKING IT UNLAWFUL TO NEGLIGENTLY LEAVE UNATTENDED ANY VESSEL, BARGE OR OTHER FLOATING OR SUNKEN CRAFT MOORED OR DOCKED WITHIN THE JURISDICTION OF THE PORT COMMISSION WHEN IT INTERFERS WITH THE NORMAL OPERATIONS OF THE PORT COMMISSION; TO FURTHER ESTABLISH A PROCEDURE FOR THE REMOVAL OR SEIZURE OF ABANDONED OR UNATTENDED VESSELS; AND TO PROVIDE PENALTIES FOR VIOLATION OF ANY OF THE SECTIONS OF THIS ORDINANCE.

BE IT ORDAINED, by the Board of Commissioners of the Greater Lafourche Port Commission:

SECTION 1. It shall be unlawful for any tug, towboat, barge, watercraft, ship, vessel, equipment, machinery or any object of any kind or description, whether foreign or domestic, to be negligently left unattended, sunken, 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 the jurisdiction of the Commission.

SECTION 2. Upon determination by the Commission that a person is in violation of Section 1 of this ordinance, such person shall be notified of said violation by certified mail. The notice shall advise such person of said violation and that the Commission has the right to remove the object thirty (30) days after receipt of the certified letter. Should the Commission not be able to notify such person by certified mail, notice shall be provided to such person by a notice published in The Daily Comet; said notice providing that the Commission shall remove the object at any time after thirty (30) calendar days from publication of the notice at the cost of such person and shall be disposed of by the authority. In the event that the owner of the vessel is not charged with violation of Section 1 of this ordinance, the owner of the vessel shall nevertheless be notified at the same time as notice is given pursuant to this Section 2. Further, if no negligent person has been identified, the owner of such object as described in Section 1 shall be given notice pursuant to this Section 2 before removal by the Commission, except as provided in Section 4.

SECTION 3. In the event that the object which is in violation of Section 1 presents an immediate danger to life or property or immediately interferes with the operations of the Commission, it shall be removed by such person immediately upon receipt of written or oral notice to remove. Should such person not proceed to remove the object immediately, or should the Commission be unable to identify or contact such person immediately, the Commission shall remove the object immediately at such person's risk and expense.

SECTION 4. Any object shall be deemed abandoned if an owner or another responsible person cannot be identified after the object has been left unattended for five (5) continuous days.

SECTION 5. In the event that the owner or negligent person does not remove the object within thirty (30) days of notice provided above, or if the same object is cited for violation of this ordinance three (3) or more times within a twelve (12) month period, the Commission shall then have the authority to have the object removed at such person's cost and junk, discard or otherwise dispose of the object or sell, exchange or otherwise transfer ownership of the object to any person, corporation or entity whatsoever, for any price or consideration which the Commission may deem advisable, or for no consideration, and apply the proceeds received, if any, to the cost of removing the object, and the balance, if any, shall become the property of the Commission.

SECTION 6. The Commission, its board members, employees and agents shall not be liable or responsible to owner or other claimant of the object for any damage to or destruction of the object in connection with the removal, storage, sale or other disposition of the object.

SECTION 7. Anyone violating the provisions of this section shall be fined Five Hundred Dollars (\$500.00) or imprisoned for not more than six (6) months, or both.

SECTION 8. This ordinance shall take effect on and be enforceable on or after May 14, 1997.

SECTION 9. If any clause, sentence, paragraph or portion of this ordinance shall, for any reason, be declared illegal or unconstitutional, such declaration shall not affect the validity of any other section, sentence, paragraph or portion of the ordinance, which shall remain in full force and effect.

SECTION 10. All ordinances or parts of ordinances in conflict or inconsistent herewith be and the same are hereby repealed.

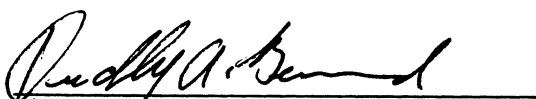
This ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of the Commission, was then submitted to an official vote as a whole, the vote thereon being as follows:

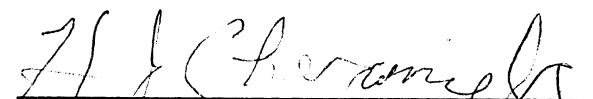
YEAS: Harrison Cheramie, Jr., Rodney J. Terrebonne, Vinton J. Crosby, Robert M. Champagne, Donald J. Vizier and Larry J. Griffin

NAYS: None

ABSENT: Tomey J. Doucet and Johnny Melancon

And the ordinance was declared adopted this 14th day of May, 1997.


Dudley A. Bernard
Vice President


Harrison Cheramie, Jr.
Secretary