

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: August 14, 2014

CALENDAR NO. 30,288

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GUIDRY

AN ORDINANCE to amend and reordain Chapter 170, Article II of the Code of the City of New Orleans by adding Section 170-62 – 170-67, prohibiting the mooring or abandoning of boats along Bayou St. John for longer than twenty four (24) hours; to establish impounding and disposal provisions and procedures, and to establish fees relative thereto; and to otherwise provide with respect thereto.

WHEREAS, unattended boats collect rainwater that create pools of standing water, making them breeding grounds for mosquitos, which presents a danger to public health ; and

WHEREAS, unattended boats can harbor snakes or vermin, which also presents a danger to public health; and

WHEREAS, unattended boats present a dangerous condition likely to attract children, which could lead to serious injury; and

WHEREAS, unattended boats can be picked up and thrown during severe weather, making them dangerous projectiles that pose a threat to public safety; and

WHEREAS, unattended boats create obstacles that interfere with the Orleans Levee Board District's ability to maintain the grass along the banks of Bayou St. John, which impacts citizen enjoyment of the bayou.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS**, That Sections 170-62 – 170-67 are hereby reordained to read as follows:

3 **“Section 170-62 Abandoning or long-term mooring of boats prohibited along Bayou St.**
4 **John.**

5 It shall be unlawful to abandon or moor boats for longer than twenty four (24) hours along
6 Bayou St. John or along the bridges that cross Bayou St. John. For purposes of this Division,
7 “Bayou St. John” includes its head at Hagan Avenue to Desaix Boulevard. Boats found to be in
8 violation of this Division shall be subject to impoundment.

9 **Section 170-63 Notice requirement.**

10 The department of police may impound a boat under this section only after prior notice has been
11 given. Notice shall be given by affixing printed information in a conspicuous place on the boat
12 stating that the boat shall be subject to impoundment unless the boat is removed by the owner or
13 legal possessor within 48 hours after the notice is affixed. The affixed notice shall indicate the
14 date the notice was attached, the date upon which the boat is subject to impoundment, and
15 contact information for retrieval purposes.

16 **Section 170-64 Impoundment.**

17 Impounded boats shall be held by the department of police until claimed by the owner or legal
18 possessor or disposed of in accordance with state law governing disposition of lawfully seized
19 movable property Any owner or legal possessor who seeks to recover an impounded boat shall
20 be required to demonstrate proof of ownership and pay all related fees at the time of recovery.

21 **Section 170-65 Fees.**

22 If any boat is impounded, an impoundment fee of \$150 and, after the first 24 hours, a storage fee
23 of \$10.00 per day for each day that the boat is impounded shall be assessed upon recovery. Total
24 fees, excluding impoundment fee, shall not exceed \$250 per boat.

25 **Section 170-66 Disposition.**

26 The department of police shall retain custody and possession of impounded boats for a period of
27 not less than five months from the date of impoundment, unless recovered by the owner or legal
28 possessor. After such time, the impounded boat may be disposed of pursuant to state law
29 governing disposition of lawfully seized property. The purchaser of any unclaimed boat shall
30 not be liable for the impoundment fee or any storage fees accumulated prior to the date of
31 purchase.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT: