

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-1936

COUNCIL SPONSOR MR. CANULETTE PROVIDED BY COUNCIL ATTORNEY

A RESOLUTION REQUESTING THAT THE LEGISLATURE AMEND R.S. 34:851.27 TO ENACT R.S. 34:851.27(B)(10), RELATIVE TO REGULATION OF VESSELS AND MOTORBOATS, TO AUTHORIZE THE REGULATION OF AIR BOATS BY THE GOVERNING AUTHORITY OF ST. TAMMANY PARISH AND ITS MUNICIPALITIES.

WHEREAS, the unauthorized operation of Air boats on private and public property in St. Tammany Parish creates an unnecessary risk of damage to the property of area residents and hazards to public health and safety. Additionally, air boats can generate excessive noise, vibrations, and exhaust detrimental to migratory birds, marine life, wildlife habitats and the preservation of wetlands in environmentally sensitive areas; and

WHEREAS, by Acts 2005, No. 116, §1, effective June 21, 2005, the legislature amended R.S. 34:851.27 to enact paragraph (B)(9), authorizing the governing authority of Jefferson Parish and its municipalities to regulate the operation of air boats with Jefferson Parish; and.

WHEREAS, in order for St. Tammany Parish to properly address the hazards of improper air boat uses within St. Tammany Parish and to safeguard the health, safety and welfare of the citizens, and to protect private and public property, it is necessary that the legislature authorize St. Tammany Parish to regulate air boats in St. Tammany Parish.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that the Parish Council urges the legislature to amend R.S. 34:851.27(B) and enact paragraph (B)(10), authorizing the governing authority of St. Tammany Parish to regulate the operation of air boats within St. Tammany Parish, providing as follows:

(10) Notwithstanding any provision of law to the contrary, the governing authority of St. Tammany Parish and its municipalities shall have the authority to regulate the operation of air boats within the parish. This authority shall extend to the establishment of minimum requirements for commercial or recreational use, including equipment, speed limits, issuing air boat permits and inspection, providing for licenses and air boat permit fees, defining violations and assessing penalties, and other requirements. The regulations shall be enforced by the sheriff and local law enforcement officers and may be enforced by state police or commissioned wildlife agents and those officers who shall have the power to make arrests for purposes of such enforcement. Any regulations or requirements established pursuant to this Paragraph shall not be less stringent or impair the authority of the Department of Wildlife and Fisheries provided for in R.S. 34:851.1et seq. Any such regulations shall be specifically limited in effect to operation of an air boat in St. Tammany Parish and shall not be deemed to affect the validity or invalidity of operation of an air boat in any other parish.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED DULY ADOPTED ON THE _____ DAY
OF _____ 2006, AT A REGULAR MEETING OF THE PARISH COUNCIL, A
QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, CLERK OF COUNCIL

KEVIN DAVIS, PARISH PRESIDENT
IN CONCURRENCE