

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHEs, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, JULY 8, 2019 AT 5:30 P.M.**

The City Council of the City of Natchitoches met in legal and regular session at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana on Monday, June 24, 2019 at 5:30 p.m.

There were present:

Mayor Lee Posey
Councilman At Large Don Mims, Jr.
Councilman Dale Nielsen
Councilwoman Sylvia Morrow
Councilman Lawrence Batiste

Guests: None

Absent: None

Mayor Lee Posey called the meeting to order and welcomed everyone for coming. Michael Braxton was asked to lead the invocation and Councilman Dale Nielsen led the Pledge of Allegiance.

Mayor Posey then called for the reading and approval of the minutes for the June 24, 2019 meeting. Mr. Mims moved that we dispense with the reading of the minutes and approval of same. Seconded by Ms. Morrow, a roll call vote was as follows:

Ayes:	Batiste, Nielsen, Mims, Harrington, Morrow
Nays:	None
Absent:	None
Abstain:	None

The following Ordinance was introduced by Ms. Morrow at the Natchitoches City Council meeting held on July 8, 2019 as follows:

ORDINANCE NO. 027 OF 2019

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

TO REZONE THE FOLLOWING: Lots 9, 10 And 11 Of Readhimer Subdivision from R-1 Residential to R-1 Residential, Special Exception to operate a law office.

(1736 Washington St.)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of **July 2, 2019** that the application of Charles Seaman to rezone the property described above from R-1 Residential to R-1 Residential, Special Exception to operate a law office, be **APPROVED**.

Mr. Mark Sutton spoke on behalf of Mr. Seaman as he was unable to attend the meeting. Mr. Sutton stated there has been no objection from adjacent property owners that would affect the decision to rezone. The property consists of 2 acres of land so there will be plenty of parking.

The following Ordinance was introduced by Mr. Harrington at the Natchitoches City Council meeting held on July 8, 2019 as follows:

ORDINANCE NO. 028 OF 2019

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

TO REZONE THE FOLLOWING: Lot East Side Williams Avenue, 75 Feet Front By 371 Feet - 4 Inches, North By Corley And Thomas, East By Street, South By Lilly from R-1 Residential to R-1 Residential, Special Exception to operate a dental office.

(219 Williams Ave.)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of **July 2, 2019** that the application of **Ted Methvin** to rezone the property described above from R-1 Residential to R-1 Residential, Special Exception to operate a dental office, be **DENIED**.

Mayor Posey stated three individuals spoke at the pre meeting concurring with the decision of the Planning and Zoning Commission to deny rezoning this property.

The following Ordinance was **TABLED** by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

ORDINANCE NO. 023 OF 2019

AN ORDINANCE LEVYING AN ADDITIONAL SALES TAX OF ONE PERCENT (1.00%) IN NATCHITOCHEs ECONOMIC DEVELOPMENT DISTRICT C, STATE OF LOUISIANA (THE "DISTRICT"); DESIGNATING THE FULL AMOUNT OF SUCH ADDITIONAL SALES TAX AS THE SALES TAX INCREMENT IN THE DISTRICT FROM WHICH THE LOCAL SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ACCORDANCE WITH AND AS AUTHORIZED BY PART II, CHAPTER 27, TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED, DESIGNATING THE INITIAL ANNUAL BASELINE COLLECTION RATE AND ESTABLISHING A MONTHLY BASELINE COLLECTION RATE FOR THE DISTRICT; PLEDGING AND DEDICATING SUCH TAX INCREMENTS TO REIMBURSE ECONOMIC DEVELOPMENT COSTS AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*) (the "EDD Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the EDD Act and other law; and

WHEREAS, pursuant to the EDD Act this City Council, acting as the governing authority of the City of Natchitoches, State of Louisiana (the "City"), adopted Ordinance No. 032 of 2010 on August 23, 2010, creating the "Natchitoches Economic Development District C, State of Louisiana" (the "District"), in accordance with La. R.S. 33:9038.32; and

WHEREAS, this City Council further adopted Ordinance No. 004 of 2019 on March 23, 2019, amending the boundaries of the District; and

WHEREAS, La. R.S. 33:9038.39 permits economic development districts to levy up to two percent in sales taxes and up to two percent hotel taxes for authorized purposes in addition to any other sales taxes then in existence or permitted to be in existence therein, and provided that in the event there are no qualified electors in the district in question, as certified by the Registrar of Voters, no election shall be required prior to the levy of such sales taxes; and

WHEREAS, pursuant to Ordinance No. 027 of 2011 adopted on May 12, 2011, this City Council, acting as the governing authority of the District, levied a two percent (2.00%) hotel occupancy tax (the "District Hotel Tax") in the District to finance economic development projects, in accordance with La. R.S. 33:9038.39; and

WHEREAS, this City Council, in its capacity as governing authority of the District, has found and determined that it would be advisable and beneficial to exercise the authority granted in La. R.S. 39:9038.39 to levy a one percent (1%) sales and use tax in the District for the purpose of paying the costs of acquiring, constructing, equipping, operating and maintaining recreational facilities in the City, and for the promotion of recreation and sporting events in the City (the "District Sales Tax"); and

WHEREAS, this City Council, in its capacity as governing authority of the District, adopted Resolution No. 052 of 2019 on June 10, 2019, giving notice of intention to levy a sales and use tax of one percent (1%) in the District, which notice of intent was published in two

consecutive weekly issues of the City's official journal, specifically on June 13 and June 20, 2019 (the "Notice of Intent"); and

WHEREAS, on this date and pursuant to the EDD Act and the aforesaid Notice of Intent, this City Council met in open and public session to hear any objections to the levy of the District Sales Tax and to the adoption of this ordinance levying the District Sales Tax pursuant to said Notice of Intent; and

WHEREAS, La. R.S. 33:9038.34(O) provides for the creation of a special trust fund for the furtherance of economic development projects, as defined in the Act, into which the incremental increases in sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects (each Project hereinafter approved being referred to herein as a "Project" or "Projects"); and

WHEREAS, in accordance with the EDD Act, this Governing Authority wishes to create a special trust fund in order to account for the revenues of the sales tax levied herein separately from the existing revenues of the District Hotel Tax;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Natchitoches, State of Louisiana, acting as the governing authority of the District, that:

§1. Adoption of Findings. All of the above "Whereas" clauses are adopted as part of this ordinance.

§2. Levy of Sales tax. In accordance with La. R.S. 33:9038.39 and other constitutional and statutory authority supplemental thereto, there is hereby levied in the District, effective October 1, 2019, and continuing in perpetuity, an additional sales and use tax of one percent (1.00%), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, upon the lease or rental of tangible personal property and on the sales of services in the District, as defined by law (the "District Sales Tax").

The proceeds of the District Sales Tax shall be used for the for the purpose of paying the costs of acquiring, constructing, equipping, operating and maintaining recreational facilities in the City, and for the promotion of recreation and sporting events in the City.

The Uniform Local Sales Tax Code, as enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature, and as it may be amended from time to time, shall apply in the assessment, collection, administration and enforcement of the District Sales Tax, the provisions of which Uniform Local Sales Tax Code are hereby incorporated by reference.

As provided by La. R.S. 33:9038.39, no election shall be required in connection with the levy of the District Sales Tax, since there are no qualified electors in the District, as certified by the Natchitoches Parish Registrar of Voters by certification attached hereto as Exhibit A.

§3. Vendor's Compensation. For the purpose of compensating the dealer in accounting for and remitting the District Sales Tax levied by this ordinance, each dealer shall be allowed two percent (2.00%) of the amount of District Sales Tax due and accounted for and remitted to the Tax collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

§4. Exclusions or Exemptions. This Governing Authority adopts none of the optional exclusions or exemptions allowed by state sales tax law, nor does this Governing Authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29(D)(1) of the Constitution of the State of Louisiana of 1974 that are not allowed as an exclusion or exemption from state sales tax. Included within the tax base of the District Sales

Tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana.

§5. Tax Collector. The District Sales Tax is authorized to be collected by a "Collector" which term shall mean the Natchitoches Tax Commission, or its successor in the role of parishwide sales tax collector. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

The District Sales Tax shall be collected in the same manner, under the same terms and conditions and with the same penalty, interest, collection and compensation arrangements as other sales taxes in the City are collected by the Collector.

With regard to the collection of the District Sales Tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, this Governing Authority, acting through the City and on behalf of the District, for the collection of the District Sales Tax on such vehicles, is authorized to enter into an agreement with the Vehicle Commissioner, Department of Public Safety and Corrections, as provided by R.S.47:303(B).

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the District Sales Tax shall be promptly deposited by the Collector for the account of the District in the Trust Fund, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

§6. Penalty, Interest and Attorneys Fees. As provided above, the District Sales Tax shall be collected in the same manner, under the same terms and conditions and with the same penalty, interest, collection and compensation arrangements as other sales taxes of the City are collected by the Collector

§7. Designation of Baseline Collection Rate. The District Sales Tax levied pursuant to this ordinance is a new sales tax and the full amount thereof is hereby designated by the Governing Authority to be used in determining the local sales tax increment pursuant to the Act.

The initial annual baseline collection rate for the District, which is the amount of the District Sales Tax collected in the District in the most recent completed fiscal year of the City prior to the establishment of the District, is hereby designated to be zero (\$0) (the "Initial Baseline Collection Rate"), as the District Sales Tax was not levied during the most recently completed fiscal year of the City prior to the establishment of the District. The monthly baseline collection rate, which is the initial annual baseline collection rate divided by twelve (12), is hereby designated to be zero (\$0) (the "Monthly Baseline Collection Rate").

§8. CFO Certification. The Treasurer of the City has furnished the certification in the form attached hereto as Exhibit B, as to the accuracy of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate and is authorized and directed to publish such certification in *The Natchitoches Times*, the official journal of the City, one time, as required by La. R.S. 33:9038.34(C). If the amounts of the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the Initial Annual Baseline Collection Rate and Monthly Baseline Collection Rate.

§9. Designation of Sales Tax Increment. This City Council hereby designates the entire amount of the District Sales Tax as the local sales tax increment, which is to be deposited in the special trust fund created herein for the purposes stated in Section 2 above and hereby pledges and dedicates to such purpose the local sales tax increment in the manner provided by the Act.

§10. Notice to Public. The City Council hereby acknowledges and affirms the prior publication of a notice describing the levy of the District Sales Tax and informing the citizens of the date of consideration of this ordinance, said notice having been published once a week for two weeks in the *The Natchitoches Times*, the official journal of the City, in the form of notice attached hereto as Exhibit C.

§11. Use of Sales Tax Increments. Notwithstanding anything to the contrary contained herein, sales tax increments within the District shall be used for the for the purpose of paying the costs of acquiring, constructing, equipping, operating and maintaining recreational facilities in the City, and for the promotion of recreation and sporting events in the City.

§12. Authorization of Officers. The Mayor, Mayor *pro tem* and City Clerk are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

§13. Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

§14. Repealer. All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

§15. Publication; Effective Date. This Ordinance shall be published one time in the official journal of the City however it shall become effective immediately upon adoption, in accordance with Home Rule Charter, Section 2-11(D).

This Ordinance was introduced on June 10, 2019, by Mr. Mims, Notice of Public Hearing was published on June 13, 2019 and June 20, 2019. A Public Hearing was held, the title having been read.

Mr. Mims made a motion to **TABLE** this ordinance which was seconded by Mr. Nielsen, the motion to table was presented for a vote and the vote was recorded as follows:

AYES: Batiste, Nielsen, Mims, Harrington, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Ordinance **TABLED** by a vote of 5 Ayes to 0 Nays this 8th day of July, 2019.

Mr. Eddie Harrington stated he had questions regarding the ordinance being tabled which he would yield to Attorney Corkern. He then asked, if the ordinance is ever brought back up it will have to be renoticed? Mr. Corkern confirmed and also noted if there is any substantial change we will have to start all over. Mr. Harrington also asked does tabling mean it will come back up at some point or can it die. Mr. Corkern stated it very well could die on the table and never come back up.

Mr. Corkern stated there would have to be a CEA agreement with NSU. His understanding is that NSU has a sports administration program so their maybe opportunities for NSU individuals work at the park and decrease the cost to the City of Natchitoches, but further their education. This comes to my mind of how both entities could benefit.

Mayor Posey stated he reached out to other communities doing things like this to help their local universities. You always want to keep your local university as strong and as viable as you can and this is a way we can help in a creative way.

Mr. Batiste said he was trying to look at it from a standpoint of helping NSU, but not hurting Natchitoches in the process. He wants there to be access for everyone to use the facility as well. There have been people concerned about transportation on how to get to and from the park.

Mayor Posey stated there will be something for everyone in our community at the new park.

Mr. Harrington stated he didn't realize there was going to be late night sports at the park and asked for clarification.

Mayor Posey stated there is the opportunity for intramural sports, but that hasn't been finalized as we do not know their schedules, but the person in charge of those intramural sports is interested in hosting them at the park.

Mr. Batiste stated people just want to know why we would build something we know we cannot afford and then present a sales and use tax and thought that is why this was being tabled. They feel as though as councilpersons we are their mouthpieces and that is why he is addressing these issues on their behalf.

Mayor Posey said we are going back to look at the numbers of what the park can yield and potential cost and hope to have those for the public soon.

Ms. Carolyn Roy asked who got together on this? Also, can the City operate and maintain the park without this tax?

Mayor Posey stated the City's committee and attorney met to discuss the numbers the park would yield based on tournaments what kind of money will be generated in the community. This money would be used for the operations and maintenance cost, but if not passed we will have to find a way to make it work.

Mr. Harrington stated his only issue with NSU is that the businesses on the interstate are not the only businesses that benefit from NSU, but all the businesses in the City so he has an issue with the interstate businesses paying a tax to basically make a donation to NSU, but none other businesses have to pay the tax. Would these funds just be put toward athletics or education as well?

Mayor Posey stated certain sporting events at NSU bring a lot of people to town most of which are tied to sporting activities.

Mr. Harrington stated his concern is not people spending money out there, but it all comes down to is it even needed at all? If we already have the 2% tax why can't we take a ½% and give it towards the park?

Mayor Posey then stated, in 2012 this particular fund was in the negative. The fund was built back up and we spent some money. There are three different projects we are currently using those funds for, but there is not enough money being generated to do what is needed at the park to do infrastructure structure upgrades and concrete work. In order to keep infrastructure upgrades going across the city, we need to keep building that fund up.

Mr. Harrington asked in reference to the use tax, if a new business moves to the interstate and wants to build they will have to pay the use tax on the cost of construction?

Mr. Corkern stated it would be charged on the cost of materials, but not labor. If the vendor does not charge the sales tax to the buyer, the buyer would be responsible for the use tax.

Mayor Posey said this is also a concern of his which is what they are checking on and trying to address.

Betty Maroney asked what is the reasoning for the tabling of this ordinance?

Mr. Corkern stated the purpose for tabling would be to answer some of the questions that have been raised in tonight's discussion.

Ms. Maroney then asked would the City require NSU or any other entity to have insurance when holding an event at the Sports Park.

Mayor Posey stated this would be addressed in the CEA with NSU.

Elaine Sparks, Sharpco Hotel Management, asked why can't every business be taxed? She feels the tax is one sided and unfair for just the interstate businesses to be taxed.

Mr. Don Mims stated the whole idea was to build a great asset to the City without costing the residents an arm and a leg. The idea is that the interstate access is a hub of immense traffic for those traveling. There is a limited amount of money spent by the people, but will have a great impact. If placed on all businesses in the City you begin to impact all the City people we had tried to avoid from paying this tax.

Mr. Corkern stated the thought process right or wrong was that the vast majority of this tax would be paid by transient people and not Natchitoches people.

Mr. Sharplin stated it is not about one room nights it's \$500 room nights which then adds to thousands of dollars where these groups asked about the tax. One percent matters when you are talking about a \$50,000 account. He mentioned the construction workers who are working on projects that are helping build the economy here.

Mr. Nielsen stated the park has the potential economically to benefit from. He stated he is disappointed that in good faith in the community the train ran off the tracks so to speak. There are several concerns and valid questions and we need to regroup over the sales and use. There are operating cost numbers that I would like to see what is being projected to brought in and the taxes as well.

Mrs. Mary White stated on behalf of travel ball parents it doesn't matter how much it cost we are going to pay to stay in the motels when our kids are playing five games a day and will be eating in restaurants no matter what the taxes are.

The following Ordinance was Introduced by Mr. Nielsen and Seconded by Ms. Morrow as follows, to-wit:

ORDINANCE NUMBER 025 OF 2019

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 22-36 OF THE CODE OF ORDINANCES, WHICH SAID SECTION IS WITHIN ARTICLE III, ENTITLED “CANE RIVER LAKE” OF CHAPTER 22 ENTITLED “PARKS AND RECREATION”, SAID SECTION BEING AMENDED AND RE-ADOPTED TO AMEND REGULATIONS GOVERNING WATERCRAFT OPERATION DURING FIREWORKS DISPLAYS, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, Section 22-36 of the Code of Ordinances of the City of Natchitoches provides for the restriction of boat traffic on Cane River Lake during firework displays in downtown Natchitoches; and

WHEREAS FURTHER, the goal of this section is to provide for safety of boaters and property during the fireworks display that occurs in downtown Natchitoches; and

WHEREAS FURTHER, Section 22-36 was amended by Ordinance Number 40 of 2018, to provide for the regulation of boat traffic during all fireworks displays with boat traffic being prohibited beginning at 6:00 P.M. on days when fireworks are scheduled; and

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend Section 22-36 of the Code of Ordinances in order to provide that the operation of watercraft be prohibited in the designated area beginning one hour prior to the scheduled fireworks display; and

WHEREAS FURTHER, Section 22-36 currently provides as follows, to-wit:

“Sec. 22-36. Operation of watercraft on Cane River Lake on days when firework displays occur on City Property.

(a) The term "watercraft", whenever used in this section, shall be held to mean any motorboat, rowboat, barge, raft, and any other boat or vessel of whatsoever nature and kind commonly used for the transportation of persons or things upon a stream, river, lake or other waterway.

The phrase “designated area”, whenever used in this section, shall mean that portion or area of Cane River Lake near the downtown bridge that has been designated by the Louisiana Fire Marshall, or his designee, as being within a fallout zone for a fireworks display.

The phrase “fireworks display”, whenever used in this section, shall mean any fireworks display that occurs in downtown Natchitoches, and where part of the fallout area includes a portion of Cane River Lake.

The phrase “fallout area”, whenever used in this section, shall mean that area where spent fireworks fall back to Earth, as said area is determined and described by the Louisiana Fire Marshall.

(b) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on the first Saturday of December of each year, during that time period beginning at 3:30 p.m. and continuing until the area has been declared safe by the Fire Marshall, or his designee, on the day commonly referred to as "Christmas Festival Day". It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city, for the time period set forth above, on Christmas Festival Day.

(c) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on any day when a fireworks display occurs in downtown Natchitoches, during that time period beginning at 6:00 p.m. and continuing until the area has been declared safe by the Fire Marshall, or his designee. It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city for the time period set forth above, during any fireworks display.

(d) The Chief of Police of the City of Natchitoches, or his designee, shall have authority to mark and designate the bounds of such designated area, as identified by the Fire Marshall, or his designee, where the use, operation, mooring or docking of watercraft is prohibited with any appropriate signs, symbols or other markings fixed in a conspicuous place so as to visibly notify the public.

(e) Violation of this ordinance shall be punished in accordance with Section 1-9 of this Code. In addition, if any watercraft is not moved upon order of a law enforcement officer, law enforcement personnel are authorized to remove the watercraft. If the owner of the watercraft is not in attendance of the watercraft, or cannot be located, or if the owner of the watercraft refuses to remove the watercraft upon order of a law enforcement officer, the watercraft may be towed to a storage area with the owner of the watercraft being responsible for any towing and storage fees.”

; and

WHEREAS FURTHER, it is proposed that Section 22-36 be amended to provide as follows, to-wit:

“Sec. 22-36. Operation of watercraft on Cane River Lake on days when firework displays occur on City Property.

(a) The term "watercraft", whenever used in this section, shall be held to mean any motorboat, rowboat, barge, raft, and any other boat or vessel of whatsoever

nature and kind commonly used for the transportation of persons or things upon a stream, river, lake or other waterway.

The phrase “designated area”, whenever used in this section, shall mean that portion or area of Cane River Lake near the downtown bridge that has been designated by the Louisiana Fire Marshall, or his designee, as being within a fallout zone for a fireworks display.

The phrase “fireworks display”, whenever used in this section, shall mean any fireworks display that occurs in downtown Natchitoches, and where part of the fallout area includes a portion of Cane River Lake.

The phrase “fallout area”, whenever used in this section, shall mean that area where spent fireworks fall back to Earth, as said area is determined and described by the Louisiana Fire Marshall.

(b) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on the first Saturday of December of each year, during that time period beginning at 3:30 p.m. and continuing until the area has been declared safe by the Fire Marshall, or his designee, on the day commonly referred to as "Christmas Festival Day". It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city, for the time period set forth above, on Christmas Festival Day.

(c) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on any day when a fireworks display occurs in downtown Natchitoches, during that time period beginning one hour prior to the time that a fireworks display is scheduled to begin, and continuing until the area has been declared safe by the Fire Marshall, or his designee. It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city for the time period set forth above, during any fireworks display.

(d) The Chief of Police of the City of Natchitoches, or his designee, shall have authority to mark and designate the bounds of such designated area, as identified by the Fire Marshall, or his designee, where the use, operation, mooring or docking of watercraft is prohibited with any appropriate signs, symbols or other markings fixed in a conspicuous place so as to visibly notify the public.

(e) Violation of this ordinance shall be punished in accordance with Section 1-9 of this Code. In addition, if any watercraft is not moved upon order of a law enforcement officer, law enforcement personnel are authorized to remove the watercraft. If the owner of the watercraft is not in attendance of the watercraft, or cannot be located, or if the owner of the watercraft refuses to remove the watercraft upon order of a law enforcement officer, the watercraft may be towed to a storage area with the owner of the watercraft being responsible for any towing and storage fees.”

; and

WHEREAS FURTHER, the City Council of the City of Natchitoches has reviewed the proposed changes and agrees that the adoption is advisable and in the best interest of the City of Natchitoches and its citizens; and

WHEREAS FURTHER, the City Council of the City of Natchitoches, Louisiana, desires to amend the Code of Ordinances of the City of Natchitoches in order to amend Section 22-36; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, as follows:

SECTION 1. Section 22-36 of the Code of Ordinances of the City of Natchitoches is hereby amended and re-enacted to read as follows:

“Sec. 22-36. Operation of watercraft on Cane River Lake on days when firework displays occur on City Property.

(a) The term "watercraft", whenever used in this section, shall be held to mean any motorboat, rowboat, barge, raft, and any other boat or vessel of whatsoever nature and kind commonly used for the transportation of persons or things upon a stream, river, lake or other waterway.

The phrase “designated area”, whenever used in this section, shall mean that portion or area of Cane River Lake near the downtown bridge that has been designated by the Louisiana Fire Marshall, or his designee, as being within a fallout zone for a fireworks display.

The phrase “fireworks display”, whenever used in this section, shall mean any fireworks display that occurs in downtown Natchitoches, and where part of the fallout area includes a portion of Cane River Lake.

The phrase “fallout area”, whenever used in this section, shall mean that area where spent fireworks fall back to Earth, as said area is determined and described by the Louisiana Fire Marshall.

(b) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on the first Saturday of December of each year, during that time period beginning at 3:30 p.m. and continuing until the area has been declared safe by the Fire Marshall, or his designee, on the day commonly referred to as "Christmas Festival Day". It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city, for the time period set forth above, on Christmas Festival Day.

(c) It shall be unlawful for any person to operate or use a watercraft for any purpose whatsoever or leave any watercraft moored or docked on Cane River Lake within the designated area as marked with buoys or other appropriate signs, symbols or other markings identifying the limits of the designated area, on any day when a fireworks display occurs in downtown Natchitoches, during that time period beginning one hour prior to the time that a fireworks display is scheduled

to begin, and continuing until the area has been declared safe by the Fire Marshall, or his designee. It being the intention of this section to prohibit the operation, use, mooring or docking of any and all watercraft, whatsoever, within such designated area of the corporate limits of the city for the time period set forth above, during any fireworks display.

(d) The Chief of Police of the City of Natchitoches, or his designee, shall have authority to mark and designate the bounds of such designated area, as identified by the Fire Marshall, or his designee, where the use, operation, mooring or docking of watercraft is prohibited with any appropriate signs, symbols or other markings fixed in a conspicuous place so as to visibly notify the public.

(e) Violation of this ordinance shall be punished in accordance with Section 1-9 of this Code. In addition, if any watercraft is not moved upon order of a law enforcement officer, law enforcement personnel are authorized to remove the watercraft. If the owner of the watercraft is not in attendance of the watercraft, or cannot be located, or if the owner of the watercraft refuses to remove the watercraft upon order of a law enforcement officer, the watercraft may be towed to a storage area with the owner of the watercraft being responsible for any towing and storage fees.”

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

SECTION 4. This Ordinance shall go into effect upon publication and in accordance with law.

THIS ORDINANCE was introduced on June 24, 2019 and published in the *Natchitoches Times* on June 27, 2019.

The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES:	Batiste, Nielsen, Mims, Harrington, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 8th day of July, 2019.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 9th day of July, 2019 at 10:00 A.M.

The next scheduled City Council meeting will be held on **Monday, July 22, 2019.**

With no further discussion, Mayor Posey made a motion for adjournment and all were in favor.

The meeting was adjourned at 6:17 p.m.

LEE POSEY, MAYOR

DON MIMS, MAYOR PRO-TEMPORE