



# St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
www.sbsp.net

**#17**

**Kerri Callais**  
Councilmember  
at Large

**Richard "Richie" Lewis**  
Councilmember  
at Large

**Gillis McCloskey**  
Councilmember  
District A

**Nathan Gorbaty**  
Councilmember  
District B

**Howard Luna**  
Councilmember  
District C

**Wanda Alcon**  
Councilmember  
District D

**Manuel "Monty"  
Montelongo III**  
Councilmember  
District E

**Roxanne Adams**  
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Mr. McCloskey, it was moved to adopt the following ordinance:

## **ORDINANCE SBPC #1746-03-16**

### **Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16  
EFC made **No Recommendation** on 3/9/16  
Public hearing held on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The Parish Council hereby amends Chapter 15; Oil, Gas, and Mineral Exploration, Removal and Transporting; Other Land-Disturbing and Water-Disturbing Activities; Article II Seismic Activity; Section 15-37 Operation of Air Boats Regulated of the St. Bernard Parish Code of Ordinances as attached in Exhibit "A".

**SECTION 2.** Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

**SECTION 3.** Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.



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Extract #17 continued  
March 15, 2016

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Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

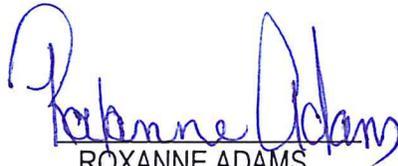
**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

  
ROXANNE ADAMS  
CLERK OF COUNCIL

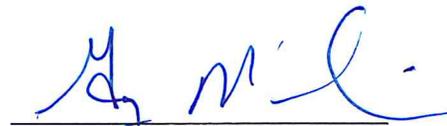
  
KERRI CALLAIS  
COUNCIL CHAIR

Delivered to the Parish President 3/17/2016 4:15pm  
Date and Time

Approved 

Vetoed \_\_\_\_\_

Parish President

  
Guy McInnis

Returned to Clerk of the Council

3-18-15 1:00pm  
Date and Time

Received by



**EXHIBIT "A"**  
**SUMMARY NO. 3356**  
**ORDINANCE SBPC #1746-03-15**

*Chapter 15 – Oil, Gas, and Mineral Exploration, Removal and Transporting;  
Other Land-Disturbing and Water-Disturbing Activities*  
*Article II – Seismic Activity*  
*Section 15-37 – Operation of Air Boats*

Sec. 15-37 - Operation of air boats regulated.

(a) Air boats shall not be launched or operated within one-half ( $\frac{1}{2}$ ) mile of a populated area during the period beginning one-half ( $\frac{1}{2}$ ) hour after sunset and ending at sunrise. Airboats may be launched and operated within one-half ( $\frac{1}{2}$ ) mile of a populated area outside of the prohibited period only if the air boat is propelled at no more than idle speed in any area within a radius of one-half ( $\frac{1}{2}$ ) mile from the nearest inhabited dwelling. For purposes of this section, an "air boat" shall be defined as any watercraft propelled by means of an air propeller powered by an engine of at least twenty-five (25) horsepower (25 hp) and "idle speed" shall mean that speed attained by the watercraft using only the minimum amount of fuel necessary to keep the engine running. In no case, however, shall idle speed be more than five (5) miles per hour nor shall an engine at idle speed be allowed to turn faster than one thousand (1,000) revolutions per minute for purposes of this section.

(b) The exhaust of any internal combustion engine used on any air boat shall be muffled in such a manner that the noise levels generated by said engine do not exceed levels prohibited by the St. Bernard Parish Noise Ordinance.

(c) Air boats shall at all times be operated in compliance with all parish, state and federal laws and regulations, including any restrictions placed on the use of the air boats in a conditional letter of no objection or other project-specific regulation issued by the department of community development.

(d) It shall be unlawful for any commercial or recreational air boat within the boundaries of St. Bernard Parish to commit a trespass on private or public property without the express written permission of the landowner. It shall be unlawful for any commercial or recreational air boat within the boundaries of the parish to operate during the period beginning one-half ( $\frac{1}{2}$ ) hour after sunset and ending at sunrise within one-half ( $\frac{1}{2}$ ) mile of any residence on private or public property. It shall be unlawful for any commercial or recreational air boat to operate at more than five (5) mph within one-half ( $\frac{1}{2}$ ) mile of any residences within the boundaries of the parish.

(e) Spark arresters will be used in lieu of standard automotive mufflers.

(f) No air boat will be allowed to operate without a Teflon coated bottom or a damaged Teflon bottom.

(g) A safety flag extending a minimum of four (4) feet above top of the propeller cage. Flag will be a minimum of twenty-four (24) inches in length, twelve (2) inches in width and the color of hunter orange.

(h) Boat numbers same will be installed in one (1) foot letters on the outside of rudders or grass cage.

- (i) Only biodegradable soap will be used as a bottom lubricant.
- (j) If P.V.C. pipe rope mats shall be used to cross any protection levee in areas where landlocked ponds would open to tidal flow for up and down ramp at quarter boat sites or other sites to be determined by parish inspectors
- (k) Mats will be constructed a minimum of two (2) inches schedule 40 white pipe.
- (l) It shall be unlawful for any person to violate the provisions of this section or any order issued pursuant thereto or to willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing this article and the orders issued pursuant to this article and, upon conviction thereof, shall be fined:
  - (a) First Offense not less than 250.00 up to 500.00
  - (b) Second Offense not less than 500.00 up to 1,000.00
  - (c) Third and subsequent offense not less than 1,000.00 up to 5,000.00