

ORDINANCE NO. 18-41

The following Ordinance was offered by Council Member Edgcombe who moved its adoption:

An Ordinance to amend, clarify, and readopt certain sections of Article IV of the Plaquemines Parish Code of Ordinances; and otherwise to provide with respect thereto.

WHEREAS, PPG has certain public lands suitable for hunting, fishing, trapping, and other such public recreational activities; and

WHEREAS, private persons, after having complied with all other legal and regulatory requirements, desire to use reputed publically owned property for hunting, fishing, trapping, and other such recreation; and

WHEREAS, recognizing that these sorts of recreational activities have an impact on the sustainability and health of our wetlands, especially when routine and organized commercial interests are involved; and

WHEREAS, the Louisiana State Constitution of 1974, Article 1, Section 27 acknowledges the right of the People to hunt, fish, and trap; and

WHEREAS, the Louisiana State Constitution of 1974, Article 7, Section 14 prohibits donation of public property rights susceptible of valuation; and

WHEREAS, recognizing that there is a cost to the processing of paperwork necessary to facilitate private access to public land for hunting, fishing, trapping, and other such recreational activities; and

WHEREAS, acknowledging that hunters provide a service to the public when they harvest nuisance animals like feral hogs which justifies the waiver of processing fees; and

WHEREAS, the Plaquemines Parish Council, in consultation with the Parish President, finds that this ordinance is in the best interest of the people and government of Plaquemines Parish;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Plaquemines Parish Code of Ordinances is hereby amended, to wit:

ARTICLE 1.

Article IV, Section 5-89 of the Plaquemines Parish Code of Ordinances is hereby ordained and established to read as follows, to wit:

“A. In recognition of the state constitutional right to hunt, fish, and trap it shall be the policy of Plaquemines Parish Government to allow the public to hunt, fish, trap, and otherwise recreate on its publically owned lands, located outside of levee protection provided individuals first execute a No Objection and Hold Harmless Agreement with Plaquemines Parish Government to protect the public purse from potential liability or nuisance litigation and to further provide for the orderly maintenance, control, and management of the parish’s natural resources. All hunters, fishermen, trappers, and recreators shall comply with all federal, state, and local laws or regulations governing their activity and the places in which they are conducted. Nothing herein shall in anyway adversely affect the rights of private landowners to control access to their property.

B. The Legal Department shall prepare Objection and Hold Harmless Agreements for use by the public. These agreements shall only grant access to those public lands opened to hunting, fishing, trapping, or recreation, and these agreements shall not be construed as public law

permits. All Objection and Hold Harmless Agreements shall expire on the anniversary of their execution and may be renewed annually with the payment of the then applicable processing fee.

C. This Ordinance shall apply only to those areas outside of the levee protection which are owned completely and in full dominion by Plaquemines Parish Government. This Ordinance does not apply to areas where Plaquemines Parish Government has granted exclusive surface leases or servitudes; nor shall it apply to areas where Plaquemines Parish owns only a servitude and the naked ownership is retained by a private land owner.

D. Plaquemines Parish Government may make maps, if and when compiled, available for purchase by those seeking No Objection and Hold Harmless Agreements for a fee of Twenty dollars (\$20.00) made payable to the Land Department to cover the cost of administration, processing, and creation of the maps. These maps should detail, in as clear a manner possible, those areas where fishing, hunting, trapping, or other recreation is open to the public.

E. The harvesting of alligators and alligator eggs are specifically excluded from this section.”

SECTION 2

ARTICLE 2.

Article IV, Section 5-90 of the Plaquemines Parish Code of Ordinances is hereby ordained and established to read as follows, to wit:

“A Processing fee to defer the administrative cost of handling No Objection and Hold Harmless Agreements shall be charged, and it shall be payable to the Land Department. The processing fee for No Objection and Hold Harmless Agreements shall be \$50.00 for residents of Plaquemines Parish and \$250.00 for non-residents. Persons hunting only feral hogs or other nuisance animals shall be exempt from paying a processing fee. ”

ARTICLE 3.

The Parish President or his designee is hereby authorized to do all things necessary and proper to ensure that persons wishing to hunt, fish, trap, or recreate on public land owned by Plaquemines Parish Government first sign a No Objection and Hold Harmless Agreement before entering upon public lands.

ARTICLE 4.

Article IV, Section 5-90.1 of the Plaquemines Parish Code of Ordinances is hereby ordained and established to read as follows, to wit:

“It shall be unlawful for anyone to hunt, fish, trap, or camp in, on, or within Twenty Five feet (25 ft.) of any pump station, flood wall, lock, or other non-earthen flood control structure. This provision shall not apply to transients travelling to another destination; parish, state, or federal workers on the job; or those otherwise engaged in a lawfully permitted business. Any person who willfully violates this provision shall be fined not more than Five Hundred dollars (\$500.00) on the first offense; and shall be fined not more than Nine Hundred and Fifty dollars (\$950.00), with or without incarceration for up to five days, on the second offense.”

ARTICLE 5.

Article IV, Section 5-91 of the Plaquemines Parish Code of Ordinances is hereby amended and readopted to read as follows, to wit:

“It shall be unlawful for anyone to engage in the commercial business of providing guided hunting tours or expeditions in or on public wetlands. Any person who accepts money or anything of value in exchange for transporting another on a duck hunting expedition in or on public wetlands, when the payment

for guiding services exceeds the actual cost of the transportation, shall be fined not more than Five Hundred dollars (\$500.00) on the first offense; and shall be fined not more than Nine Hundred and Fifty dollars (\$950.00) with or without incarceration for up to five days, on the second offense. ”

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Williams seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members John L. Barthelemy, Jr., W. Beau Black, Kirk M. Lepine, Irvin Juneau, Benedict Rousselle, Charlie Burt, Audrey Trufant-Salvant, Jeff Edgecombe and Nicole Williams

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 26th day of April, 2018.

I hereby certify the above and foregoing to be a true and correct copy of an Ordinance adopted by the Plaquemines Parish Council at a meeting held in the Belle Chasse Council Building Council Chambers, 333 F. Edward Hebert Boulevard, Building 203, Belle Chasse, Louisiana, on Thursday, April 26, 2018.

Secretary