

**PROCEEDINGS OF A PUBLIC HEARING OF  
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT  
July 28, 2022**

The Morgan City Harbor and Terminal District ("District") held a Public Hearing at the District's office at 7327 Highway 182, Morgan City, Louisiana on July 28, 2022 at 12:01 p.m. with Gerard Bourgeois, Board Attorney and Tori Henry, Office Manager present.

The purpose of the Public Meeting was to receive written and/or oral comments to the following ordinance:

**AN ORDINANCE REGULATING THE USE OF BARGES, BOATS, FLOATING STRUCTURES AND ANY OTHER MARINE VESSELS ("VESSELS") ON THE WATERWAYS WITHIN THE JURISDICTION, OF THE BOARD OF COMMISSIONERS OF THE MORGAN CITY HARBOR AND TERMINAL DISTRICT, PROHIBITING VESSELS FROM INTERFERING WITH DREDGE OPERATIONS, PROVIDING FOR AUTHORITY TO TOW AND PENALTIES FOR VIOLATIONS.**

Section 1. There is hereby created and established an ordinance regulating the use of barges, boats, floating structures and any other marine vessels (hereafter referred individually as "vessel" and collectively as "vessels") on the canals, rivers, bayous, waterways within the jurisdiction of the Morgan City Harbor and Terminal District ("Port"), including the Intracoastal Waterway; Bayous Chene, Black, and Bouef; the Atchafalaya River and Berwick Bay (hereinafter referred to collectively as "waterways"), prohibiting vessels from interfering with dredge operations, providing for the tow, removal or disposition of such vessel, exceptions thereto, and providing penalties for the violations of its provisions. This ordinance shall be known as the Port's Mooring During Dredging Ordinance and hereinafter referred to as the "Ordinance".

Section 2. In order to facilitate commerce and/or navigation, or for the protection of other vessels or property, no vessel on the waterways shall be operated or moored in a way to cause delay or hazard to dredging operations. Operation or mooring a vessel in a way that is detrimental to or endangers public safety; is detrimental to the property of others and/or causes delay or hazard to dredging operations shall be declared a nuisance.

Section 3. Additionally, within forty-eight (48) hours of dredging operations in a particular portion of the waterways, it is unlawful for any vessel to anchor, dock or moor in any portion of the waterways that will be dredged, without the prior written consent of the Executive Director of the Morgan City Harbor and Terminal District ("Executive Director").

Section 4. Any vessel violating this ordinance shall be subject to tow, removal or other disposition, at expense of the vessel and/or its owner. The Executive Director is hereby authorized and directed to order and enforce the removal of such vessel, at its own expense, to such place as he may direct; and it shall be unlawful for the master, owner or agent of such vessel to fail, neglect or refuse to obey any such order.

The owner or owners of such vessel violating this ordinance shall be liable to the Port for all costs incident to said tow, removal, storage and/or disposition, including attorney's fees. Neither the Port, nor its Board members, Executive Director, employees, or agents shall be liable for any damages of any nature whatsoever arising out of or in any way connected with the removal, lien, and/or sale or disposition of such vessel.

Section 5. In addition to the costs, including but not limited to towage, removal, storage, disposition and/or attorney's fees, for violations of this Ordinance, there shall be a \$500.00 fine for the first violation; a \$1,000.00 fine for the second violation of the same provision; and a \$1,500.00 fine for each subsequent violation of the same provision.

Section 6. Costs and fines for violation of this Ordinance shall be paid within twenty-one (21) days from the date of violation appear at Port's office, 7327 Highway 182, Morgan City, Louisiana, or pay by U.S. mail as provided on the citation, and remit the fines to:

Administration  
Port of Morgan City  
Post Office Box 1460  
Morgan City, LA 70381

Such mailed payment may be made only by money order or check made payable to the Port of Morgan City. There shall be a \$45.00 charge for NSF checks. Payment of the civil fine established herein and any other penalties or costs assessed shall operate as a final disposition of the case.

#### Section 7. Establishment of Administrative Hearing Procedure

There is hereby created and established an administrative hearing procedure to adjudicate appeals from all citations for violations of this Ordinance.

#### Section 8. Appeal

Any person determined by the Executive Director to be in violation of this Ordinance may appeal the determination to the City Court for Morgan City, if the violation occurred within the City of Morgan City, or the 16<sup>th</sup> Judicial District Court if the violation occurred within the boundaries of St. Mary Parish. Service of notice of appeal under this section shall not stay the enforcement and collection of the judgment unless the person who files the appeal posts a cash bond for the full amount of the fine and costs prior to filing notice of appeal with the Port. Cash bonds must be made in person at the Port's office during normal working hours.

Section 9. If any clause, sentence, section, or part of this Ordinance should for any reason be declared illegal or unconstitutional, such declaration shall not affect the validity of any other section or part of this Ordinance, which shall remain in full force and effect.

Section 10. This Ordinance shall take effect and be enforceable at and after midnight on August 15, 2022.

Section 11. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed, except as to any prosecutions pending thereunder, as to which prosecutions, until concluded, such former ordinance shall remain in full force and effect.

After there being no written and/or verbal comments presented regarding the proposed ordinance, the hearing was adjourned.

Attest:



Steven W. Comes, Secretary