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**ORDINANCE  
(AS AMENDED)  
CITY OF NEW ORLEANS**

**CITY HALL: February 16, 2006**

**CALENDAR NO. 25,973**

**NO. 22155 MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER BATT**

**AN ORDINANCE** to amend and reordain Chapter 170, Article V of the Code of the City of New Orleans to establish procedures, restrictions, and conditions applicable to the leasing of boathouses and related or similar property in the Municipal Yacht Harbor of the City of New Orleans and to provide related matters; to repeal conflicting ordinances and otherwise provide with respect thereto.

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS**

2           **HEREBY ORDAINS**, that Chapter 170, Article V is amended and reordained to amend  
3           Sections 170-642 through 170-646 of the Code of the City of New Orleans to read as  
4           follows:

5           **ARTICLE V. MUNICIPAL YACHT HARBOR**

6           **Sec. 170-641. Purpose.**

7           This article shall provide procedures, restrictions and conditions applicable to the leasing  
8           of the property upon which boathouses in the Municipal Yacht Harbor are situated.

9           **Sec. 170-642. Lease Terms and Requirements.**

10          (a)     The leases on the property upon which boathouses in the Municipal Yacht Harbor  
11          are located shall have a term which expires up to sixty (60) years from the day the leases  
12          are approved by the City of New Orleans pursuant to the provisions of this Ordinance.

13 Upon the transfer of a lease on the property upon which boathouses in the Municipal  
14 Yacht Harbor are located by a current lessee, the new lessee shall be issued a new lease  
15 incorporating the then current lease conditions as may have been established by the City  
16 Council of the City of New Orleans, which leases shall provide for a new period equal to  
17 the original and have a starting rental rate equal to the then current rates in effect for  
18 leases under this Chapter.

19 (b) The Department of Property Management and the Municipal Yacht Harbor of the  
20 City of New Orleans shall not assign, transfer or renew the lease of the property upon  
21 which any boathouse is located in the Municipal Yacht Harbor in the City of New  
22 Orleans until all provisions of this Chapter have been met and the lease has been  
23 approved by the Council of the City of New Orleans, by motion.

24 (c) Any lease entered into by the Municipal Yacht Harbor of the City of New Orleans  
25 governed by this Chapter shall include the following terms and conditions:

26 (1) The rental rates during the lease term shall be calculated using the  
27 following formula:

- 28 a. Base rental: \$1,680.00 per year;
- 29 b. If a boathouse shell and cover without living space: an additional  
30 \$200.00 per year; or
- 31 c. If a boathouse with living space improvements: an additional \$0.25  
32 per square foot of living space.

33 (2) The rental rate shall increase 15 percent (15%) every five years  
34 commencing on January 1, 2006 for the duration of the term of the lease.

35 (3) No other rent, fee, dues, or other form of monetary consideration other  
36 than rent hereunder, duly adopted service charges and ad valorem taxes, if  
37 applicable, may be charged by the City of New Orleans to lessees of  
38 property upon which boathouses in the Municipal Yacht Harbor are  
39 situated.

40 **Sec. 170-643. Authorization To Enter Into Leases.**

41 The New Orleans Municipal Yacht Harbor Corporation is hereby authorized to enter into  
42 leases of Municipal Yacht Harbor property upon the Ordinance Calendar No. 25,972  
43 (M.C.S., Ordinance No. 22162), which is on file in the office of the Clerk of the Council,  
44 as said lease form may be amended by the Council of the City of New Orleans from time  
45 to time, which amendments are hereby authorized.

46 **Sec. 170-644. Trespass at public boat launch.**

47 (a) Trespass upon the premises of the New Orleans Public Boat Launch is the  
48 intentional, unauthorized entry upon the premises of the public boat launch or remaining  
49 upon the premises of the boat launch by a person when he knows his entry or remaining  
50 upon the premises is unauthorized or under circumstances where he reasonably should  
51 know his entry or remaining upon the premises is unauthorized. The New Orleans  
52 Municipal Yacht Harbor Corporation shall cause the premises of the public boat launch  
53 to be posted in areas of ingress and egress with signs indicating at what hours of the day  
54 or night that entry to or remaining upon the premises is prohibited without authorization.  
55 Except for special events specifically authorized by the New Orleans Municipal Yacht  
56 Harbor Corporation, the premises of the public boat launch shall be closed to the public  
57 between the hours of 9:00 p.m. and 5:00 a.m. on the following day. Entry to and use of

58 the premises is permitted for the purpose of actively launching or retrieving a motor or  
59 sailing vessel of at least six feet in length. Active launching or retrieving as stated above  
60 is authorized 24 hours per day.

61 (b) For the purposes of this article, the premises of the public boat launch is the area  
62 bounded by Lake Pontchartrain, the Jefferson Parish Line and the lake side of Breakwater  
63 Drive in the seventh municipal district.

64 (c) It shall be unlawful for any person to commit the crime of trespass upon the  
65 premises of the public boat launch.

66 **Sec. 170-645. Construction, alteration and remodeling of boathouses.**

67 (a) No boathouse or other structure shall be constructed within the area of the  
68 Municipal Yacht Harbor of the City of New Orleans without prior approval of the  
69 Council of the City of New Orleans.

70 (b) Before the commencement of any work for the alteration or addition to any  
71 existing boathouse, application by the lessee for a permit therefore shall be made to the  
72 Director of the Department of Safety and Permits or his designee, accompanied by the  
73 specifications therefore. Said specifications must comply with the provisions of the  
74 applicable building code requirements subject to all waivers that each such applicant shall  
75 have been eligible for prior to August 29, 2005 . If the specifications are found by the  
76 Director of the Department of Safety and Permits to comply reasonably with the  
77 requirements of this section and if such application and intended work shall conform also  
78 to all other regulations, ordinances and laws of the city, a permit for such work shall be  
79 issued promptly permitting the reconstruction of the premises as the same existed on  
80 August 28, 2005, if the premises were less than fifty (50%) percent damaged. The

81 applicant for a building permit shall provide copies of the application filed with the  
82 Director of the Department of Safety and Permits of the City of New Orleans to the  
83 Director of the Department of Property Management of the City of New Orleans.

84 (c) It is the intent of these standards to insure that the subject boathouse structures,  
85 situated completely within and upon city-owned property, and which boathouses are or  
86 may become the property of the city, upon the termination of the leases, shall not be  
87 altered or added to in any manner which shall interfere with or reduce the capability of  
88 such boathouse to serve its original and prime purpose--to house medium- to large-size  
89 motor yachts or to maintain a boat slip with a minimum 40-foot depth.

90 To carry out these intentions the following uniform standards are established:

91 (1) *First-floor (boat level) enclosed area.* No lessee of a boathouse shall enclose any  
92 area on the first-floor level which would prevent the maintenance of a boat slip capable  
93 of housing a vessel of a least 40 feet in length completely within the enclosed structure.

94 (2) *First-floor catwalk or deck.* An open deck if constructed across the enclosed area on  
95 the first-floor level must be constructed such as to allow for the maintenance of a boat  
96 slip capable of housing a vessel of a least 40 feet in length. Catwalks along the length of  
97 the boathouses (between every two houses) shall not exceed two feet six inches in width  
98 and may be erected lengthwise on each side and extend to the end of each boathouse.

99 (3) *Upper-floor enclosed areas.* The lessee of a boathouse may construct *an* enclosed  
100 area or open deck on the second or higher floor levels *that extends 40 feet from the*  
101 *original front wall of the boathouse* as long as the height of the total construction does  
102 not exceed the height limitations provided below and the structures constructed thereon  
103 are safely supported by the piling system supporting the boathouse as determined by then

104 current structural engineering standards. *The lessee of a boathouse may construct an*  
105 *enclosed area or open deck on the second or higher floor levels that extends beyond 40*  
106 *feet from the original front wall of the boathouse if the lessee obtains the written consent*  
107 *of the lessees of the adjacent boathouses and as long as the height of the total*  
108 *construction does not exceed the height limitations provided below and the structures*  
109 *constructed thereon are safely supported by the piling system supporting the boathouse*  
110 *as determined by then current structural engineering standards. In no event shall an*  
111 *enclosed area extend beyond 60 feet from the original front wall of the boathouse.*

112 (4) *Boathouse roof line.* The roof line of the boathouse may be elevated to 48 feet  
113 above the highest level of the public street immediately adjacent to the boathouse.

114 (5) *Open deck in front of boathouse.* No lessee of a boathouse shall erect on the front  
115 side of the boathouse an open deck that comes within 24 inches of the public street  
116 adjacent to such boathouse. In no event shall such open deck extend beyond the seawall  
117 adjacent to boathouses on North Roadway. *All such structures shall be steel supported.*  
118 *An open sided roof structure may be constructed over said deck not to extend beyond*  
119 *twelve(12) feet from the original boathouse front wall.*

120 (6) *Enclosed deck in front of boathouse.* No lessee of a boathouse fronting on  
121 Breakwater Drive shall enclose an open deck unless the lessee obtains the written consent  
122 of the lessees of the adjacent boathouses and the Director of the Department of Property  
123 Management or his designee. *In no event shall such an enclosed area exceed twelve (12)*  
124 *feet from the original boathouse front wall.*

125 (d) In order to avoid a hazard to navigation, no vessel shall be moored in such a manner  
126 as to project beyond the end of a boathouse, nor shall any vessel be moored across the  
127 end of an outside of a boathouse.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 2, 2006**

**OLIVER M. THOMAS, JR.  
PRESIDENT OF COUNCIL**

**DELIVERED TO THE MAYOR ON MARCH 3, 2006**

**APPROVED:**

**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON MARCH 9, 2006 AT 11:56 A.M.**

**PEGGY LEWIS  
CLERK OF COUNCIL**

**YEAS:** Batt, Clarkson, Hedge-Morrell, Sapir, Thomas, Willard-Lewis - 6

**NAYS:** 0

**ABSENT:** Gill Pratt - 1

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 9, 2006, AT 11:56 A.M. AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW AT 12:00 NOON ON MARCH 12, 2006, AS REQUIRED BY LAW.