



ORDINANCE NUMBER 1 of 2019

AMENDING ORDINANCE 1 of 2012 AS AMENDED BY  
ORDINANCE 2 OF 2017 PROVIDING FOR PERMITTING  
OF PUMPS OR OTHER MECHANICAL  
INSTRUMENTALITY USED FOR THE REMOVAL OF  
WATER FROM CANE RIVER LAKE IN ORDER TO  
MONITER THE USE OF WATER FROM CANE RIVER  
LAKE AND FURTHER TO PROVIDE FOR THE  
PROTECTION THE WATERBODY; PROVIDING FOR  
PENALTIES, AND ADVERTISEMENT.

**WHEREAS**, the Cane River Waterway District is a body politic and corporate subdivision of the State of Louisiana, created by Acts 1982, No. 391, R.S. 34:3261, et. seq.; and

**WHEREAS FURTHER**, the Cane River Waterway Commission (Sometimes hereinafter “Commission”) was created for the purpose of establishing, operating and maintaining the Cane River Waterway; included in the powers delegated to the Commission is the power to adopt regulations to preserve the health, welfare and safety of the recreational and commercial users of Cane River Lake; and

**WHEREAS FURTHER**, among the powers and authority granted to the Commission under La. R. S. 34:3269 are the authority to “effectuate and maintain proper depths of water to accommodate the business of the Commission, and to regulate the use of water from the waterway” and “to otherwise regulate and be the regulatory authority of the Cane River Waterway and its use”; and

**WHEREAS FURTHER**, there are many riparian land owners that irrigate from Cane River Lake including agricultural users who use water from Cane River Lake to irrigate crops, fill ponds and water livestock and residential owners who use water to irrigate lawns and other plantings; and

**WHEREAS FURTHER**, the above irrigation requires the location of one or more pumps or other mechanical instrumentality on or near the bank of Cane River Lake together with associated pipes or other tubing that extends into the water in the waterway; and

**WHEREAS FURTHER**, the Commission recognizes that irrigation from Cane River Lake is important to all riparian land owners, and is particularly of importance to riparian land owners who irrigate crops with water from Cane River Lake; and

**WHEREAS FURTHER**, the Commission accepts that irrigation from Cane River Lake, as authorized by the Louisiana Civil Code, is a legitimate use of the water in Cane River Lake, but is of the opinion that it is in the best interest of the waterway to require permits for pumps or other mechanical instrumentality used to remove water from Cane River Lake; and

**WHEREAS FURTHER**, the issuance of permits for pumps or other mechanical instrumentality used to remove water from Cane River Lake is in the best interest of the waterway in that it will allow the

**Commission to track the total number of and location of such pumps or other mechanical instrumentality used to remove water from Cane River Lake; and**

**WHEREAS FURTHER, in addition the Commission will be able to determine the owner of a pump in the event that some problem arises with a pumps or other mechanical instrumentality used to remove water from Cane River Lake, including but not limited to a fuel or oil leak that creates an environmental issue; and**

**WHEREAS FURTHER, the authority of the Commission to control the use of the waters of Cane River Lake is a regulatory function that includes the authority to require a permits for a pump or other mechanical instrumentality used to remove water from Cane River Lake; and**

**WHEREAS FURTHER, the Commission is of the opinion, for the reasons set forth above, that the requirement for permits for pumps or other mechanical instrumentality used to remove water from Cane River Lake such regulation will help provide information to the Commission that can be utilized to protect the rights of all riparian land owners to use Cane River Lake, will further benefit the people of the State of Louisiana, will increase commerce and prosperity and will improve the general health and living conditions of riparian land owners and other users of Cane River Lake; and**

**WHEREAS FURTHER, the Commission adopted Ordinance Number 1 of 2012 to require that riparian owners request and be issued a permit prior to pumping water from Cane River Lake, which said ordinance included annual fee for the permit in the amount of \$25.00; and**

**WHEREAS FURTHER, the Commission amended Ordinance Number 1 of 2012 by Ordinance Number 2 of 2017 to remove the requirement that the permit fee be collected on an annual basis; and**

**WHEREAS FURTHER, the Commission now desires to remove the requirement for the initial \$25.00 fee for the issuance of a pump permit and desires to amend Ordinance Number 1 of 2012 as amended by Ordinance Number 2 of 2017 to remove the requirement for the pumping permit; and**

**NOW THEREFORE BE IT ORDINED, in legal session convened and in accordance with Louisiana R.S. 34:3261, et. seq., and specifically, R.S. 34:3269(6) and (13) and R.S. 34:3268, Ordinance Number 1 of 2012 as amended by Ordinance Number 2 of 2017 is hereby amended to read as follows, to-wit:**

**BE IT ORDINED that no person shall use a pump or other mechanical instrumentality to remove water from Cane River Lake without having first obtaining a permit from the Cane River Waterway Commission for said pump or other mechanical instrumentality.**

**BE IT FURTHER ORDAINED that the Commission may impose a civil compliance order directing any person failing to obtain a permit for any pump or other mechanical instrumentality used to remove water from Cane River Lake to cease and desist and impose a fine of \$200.00 per day for each day the violation continues. The fine shall commence on the day following the date specified for compliance in the civil compliance order issued by the Commission.**

**BE IT FURTHER ORDAINED that all fees and fines imposed under this section shall be payable to the Cane River Waterway Commission.**

**BE IT FURTHER ORDAINED that if civil action is necessary to recover fines imposed under this section, the offenders shall be liable for the amount of the fine, legal interest from the date of assessment and all costs of recovery, including attorney fees and costs.**

**BE IT FURTHER ORDAINED that in the event that any person continues to withdraw, remove and/or pump water from Cane River in violation of the Ordinance and after receiving a civil compliance order, the Chairman of the Commission shall be authorized to file suit in District Court for the Parish of Natchitoches, Louisiana seeking a Court Order enjoining further withdrawal, removal and/or pumping of water from Cane River Lake in violation of this Ordinance.**

**BE IT FURTHER ORDAINED** that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**BE IT FURTHER ORDAINED** that 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 Cane River Waterway Commission that each separate provision shall be deemed independent of all other provisions herein.

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

Said Ordinance having been introduced on the 15 day of January, 2019, at a regular meeting of the Cane River Waterway Commission held at 244 Cedar Bend Road, City of Natchez, Louisiana.

Ordinance considered, on motion by Mrs. Vienne and seconded by Mr. Paige, to adopt the ordinance, a record vote was taken and the following

Result was had:

**YEAS: 5 (Mr. Rhodes, Mrs. Vienne, Mr. Wiggins, Mr. Paige, Mr. Methvin)**

**NAYS: 0**

**ABSENT: 0**

**ABSTAIN: 0**

Whereupon, the presiding officer declared the above Ordinance duly passed on this the 19 day of February, 2019.

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**Chairman Jim Rhodes**

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