

Mr. Gahagan reminded the Commissioners that at the August 22, 1997 meeting, Ordinance No. 4 of 1997 was introduced relating to a restriction on the construction of piers, wharves, docks, boathouses, and other facilities extending into Cane River Lake. By resolution, a public hearing was directed to be held at the regular meeting of the Commission in September, 1997 to consider adoption of the ordinance. Copies of the proposed ordinance were distributed to the Commissioners and made available to the members of the public who were in attendance.

Following discussion, upon motion by Mr. Prudhomme, seconded by Mr. Powell and unanimously carried, Ordinance No. 4 of 1997 was adopted as follows, to-wit:

#### **ORDINANCE NO. 4 OF 1997**

**WHEREAS**, by resolution adopted August 20, 1996, the Cane River Waterway Commission restricted the construction of piers, wharves, docks, boathouses and other facilities extending into Cane River Lake; and,

**WHEREAS**, the board would like to restate and affirm the August 20, 1996 Resolution and to provide penalties for the violation thereof; and,

**WHEREAS**, the Board further proposes to adopt provisions relating to the civil enforcement of the August 20, 1996 Resolution, in addition to the provision of penalties; and,

**WHEREAS**, the Board considers Cane River Lake to provide recreational opportunities for pleasure boat operation, water skiing, fishing and other activities; and,

**WHEREAS**, Cane River Lake is an approximate 36 mile long "false river" which varies in width from approximately 250 feet to not more than 400 feet; and,

**WHEREAS**, the varying width of Cane River Lake may result in a danger to the boating public in the pursuit of recreational activities as a result of the close proximity of opposing boats as well as natural and man made obstructions into the navigational channel of Cane River Lake,

Accordingly, in accordance with the provisions of R.S.34: 3261, et seq. of the Revised Statutes of the State of Louisiana, the following ordinance was adopted:

Buildings to be constructed on or after August 20, 1996 near or on water restricted:

(a) Piers, wharves, docks, boathouses and other facilities extending into Cane River Lake shall be limited to a maximum total length of not more than 24 feet, perpendicular to the average mean sea level contour line of Cane River Lake at ordinary pool stage of 98.6 feet, MSL at the Cane River Lake Spillway.

(b) Applications must be made for and permits granted by the Cane River Waterway Commission to locate piers, wharves, docks, boathouses whether stationary and/or floating and other facilities which are proposed to extend into Cane River Lake a distance greater than that authorized in subparagraphs (a), supra.

(c) All floating piers, docks, boathouses, barges and other facilities must be securely moored in an approved manner at all times and anchored properly in order to prevent such from becoming unmoored and floating away during periods of high water.

(d) All applications that are required to be submitted to the Cane River Waterway Commission for the construction of piers, wharves, docks, boathouses and other facilities must be accompanied by a sketch showing locations, dimensions and a copy of detailed construction plans.

(e) In instances where an inspection by a duly authorized agent of the Cane River Waterway Commission for discloses a violation of this ordinance, the business entity or person deemed to be responsible shall be given an opportunity to correct the noted deficiency, and, if upon reinspection the pier, dock, boathouse, or other facility is found to be still in need of correction of the previously cited violation, the Commission may seek an injunction from the district court to enforce the provisions of this ordinance,. The proceeding before the district court shall be an adversary proceeding and each party shall have the powers to call witnesses and subpoena documents and records.

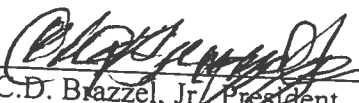
(f) In instances where such an inspection discloses a violation of this ordinance, the business entity or person deemed to be responsible shall be given an opportunity to correct the note of deficiency, and, if upon reinspection the previously cited violation is found to still exist, the Commission is hereby authorized after due process in accordance with the Administrative Procedure Act, to impose sanctions as follows:

(1) In the case of piers, wharves, docks, boathouses and other facilities extending into Cane River Lake in violation of this ordinance the Commission may issue a civil compliance order directing the business entity

or person deemed responsible for the construction or maintenance of the offending structure to correct the violation noted and impose a fine of \$100.00 per day for each day the violation has not been corrected up to a maximum of \$10,000. The fine shall commence on the day following the date specified for compliance in the civil compliance order issued by the commission.

(2) All fines imposed under this section shall be payable to the Cane River Waterway Commission.

(3) If civil action is necessary to recover fines imposed under this section, the offender 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 court costs.

  
C.D. Brazzel, Jr., President