

ORDINANCE NUMBER 1 OF 2009

Ms. Fuller advised that at the March 17, 2009 meeting, Ordinance No. 1 of 2009 was introduced and scheduled for a hearing at the April 21, 2009 meeting. Following discussion, upon motion made, seconded and unanimously carried, Ordinance No. 1 of 2009 was adopted as follows, to-wit:

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, the Cane River Waterway District was empowered to adopt regulations to preserve the health, welfare and safety of the recreational and commercial users of Cane River Lake; and

WHEREAS, the Red River in 1812 was a navigable stream and the State of Louisiana owns the beds of navigable rivers from the ordinary low state of the water on the one side and the low ordinary state of the water on the other side, in accordance with the provisions of LSA-C. C. Art. 456. Cane River Lake continues to be navigable and is therefore considered a public thing owned by the state in its capacity as a public person.

WHEREAS, the Cane River Waterway District holds the administration of the state-owned river and lake bottoms as a public trust and is charged with the responsibility of adopting resolutions and ordinances to fulfil its public trust to maintain the health, welfare and safety of the users of Cane River Lake; and

WHEREAS, the construction of homes, camps, dwellings and other improvements along both the left and right descending banks of Cane River Lake has markedly increased in the recent years which construction has included piers, wharves, docks, boathouses and other facilities extending into Cane River Lake; and

WHEREAS, these constructions occasionally fall into disrepair and a dilapidated condition and present a dangerous condition which endangers the public welfare, and it is the consensus of the Commissioners of the Cane River Waterway District that the continued location of these dangerous structures and remnants of structures is a violation of the Commission's delegated public trust and potentially violates the responsibility that the Commission has maintain the health, welfare and safety of the recreational users of Cane River Lake, all in accordance with Ordinance No. 5 of 1997; and

