

Mr. Powell advised that at the November 18, 1997 meeting, Ordinance No. 5 of 1997 was introduced and scheduled for a hearing at the December, 1997 meeting. Following discussion, upon motion made, seconded and unanimously carried, Ordinance No. 5 of 1997 was adopted as follows, to-wit:

**ORDINANCE NO. 5 OF 1997
HABITABLE DWELLINGS OVER CANE RIVER LAKE PROHIBITED**

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 stage 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 fulfill 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 recent years which construction has included piers, wharves, docks, boathouses and other facilities extending into Cane River Lake; and,

WHEREAS, it is the consensus of the Board of Commissioners of the Cane River Waterway District that the construction of piers, wharves, docks, boathouses and other facilities in accordance with the provisions of Ordinance No. 4 of 1997 is consistent with the safe recreational use of Cane River Lake; and,

WHEREAS, it is the consensus of the Commissioners of the Cane River Waterway District that the construction of buildings, improvements or dwellings intended for human habitation which extend out over the average mean sea level (M.S.L.) contour line of Cane River Lake at ordinary pool stage of 98.6 feet M.S.L. at the Cane River Lake Spillway is a violation of the Commission's delegated public trust and potentially violates the responsibility that the Commission has to maintain the health, welfare and safety of the recreational users of Cane River Lake; and,

