

ORDINANCE NO. 2020-1

**AN ORDINANCE ESTABLISHING REGULATIONS
GOVERNING THE USE OF METAL OBJECTS IN
D'ARBONNE LAKE AND REGULATING AND PROHIBITING
CERTAIN STRUCTURES AND ACTIVITIES**

WHEREAS, pursuant to the provisions of LSA-R.S. 38:2558(11), the Board of Commissioners (the "Board") of the Bayou D'Arbonne Lake Watershed District (the "District") have the care, management, and control of Lake D'Arbonne and property owned and/or controlled by the District; and,

WHEREAS, pursuant to LSA-R.S. 38:2558, the Board is empowered to make all police regulations necessary for the preservation of good order and the peace of the District, as well as to prevent injury to, destruction of, or interference with public or private property; and,

WHEREAS, pursuant to LSA R.S. 38:2558(11)(C), the Board is empowered to prevent, remove and abate nuisances; and,

WHEREAS, LSA-R.S. 38:2559 authorizes the Board to enforce such rules and regulations as it shall deem necessary and advisable in order to protect and preserve the works, improvements and property owned by the District, and to prescribe the manner of their use by public corporations and persons, and to preserve order within and adjacent thereto; and,

WHEREAS, the Board concludes that it is in the best interest of the District and the public to adopt rules and regulations governing the use of the D'Arbonne Lake and otherwise prescribe certain rules and regulations on and around D'Arbonne Lake.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BAYOU D'ARBONNE LAKE WATERSHED DISTRICT:

§1. The following rules and regulations shall apply to the use of D'Arbonne Lake (the "Lake"):

- (a) Due to the significant fluctuation of the water levels of D'Arbonne Lake, the placing of metal objects in the Lake presents a dangerous hazard to persons and property and all persons using the Lake are strongly discouraged from placing any metal object in the Lake, other than a metal object for that person's temporary, contemporaneous use, such as a boat, motor or recreational equipment.

- (b) The use of any type of metal rods, stakes, pipes, poles, tubing, rebar or similar objects (collectively "Metal Objects") in the Lake is specifically prohibited except in the following situations:
- (1) In connection with signs, markers or other objects placed with the prior written permission of, by or under the direction of the State of Louisiana, the District or law enforcement authorities.
 - (2) In connection with docks, piers, boathouses or other structures permanently attached to the shore or bank of the Lake owned or leased by the person placing the structure.
 - (3) In connection with floating docks or other structures clearly marked so to be visible to persons using the Lake not permanently attached to the shore or bank of the Lake, and existing on September 15, 2003, at the location existing on said date.
 - (4) In connection with duck blinds constructed on or before August 1, 2003, if the duck blind is actually used for waterfowl hunting each season and is clearly marked so to be visible to persons using the Lake.
 - (4) In connection with floating duck blinds constructed after August 1, 2003, (although no Metal Objects shall be driven into the Lake bed), if the duck blind is actually used for waterfowl hunting each season and is clearly marked so to be visible to persons using the Lake.
 - (5) In connection with the mounting of a light, birdhouse, slide, swing or other similar object in close proximity to a dwelling located on the shore or bank of the Lake.
- (c) The placing of any cable, wire, rope or other similar apparatus above the surface of the Lake, such as that used to support, hang, or attach markers, signs, yoyos, mechanical trigger devices, trotlines, hooks, or any other device is prohibited.
- (d) The placing of floating docks or other structures whether or not containing Metal Objects not permanently attached to the shore or bank at the Lake at a location other than which the person placing the structure owns or leases is prohibited.
- (e) The placing of any structure in the Lake representing a nuisance or hazard to navigation on the Lake is prohibited.

§2. The terms, provisions and violations of this Ordinance shall be enforced by any appropriate local, state or federal law enforcement officer in Union or Lincoln Parishes and shall be prosecuted by the District Attorney of Union or Lincoln Parishes, or any other proper official in Union or Lincoln Parishes.

§3. Any person or persons violating the foregoing rules and regulations shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.

§4. The Board may also enforce this Ordinance by injunction or any other remedy available under law. If a person fails to remove a structure or item in violation of this Ordinance after reasonable attempts of seven (7) days notice by the Board, the Board may remove and/or dismantle the structure or item and recover the cost of removal and/or dismantling from said person.

§5. This Ordinance amends and supersedes Ordinance No. 2003-2 adopted September 15, 2003.

§6. All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of this Ordinance or any regulation of the Village, the provisions of this Ordinance shall be deemed to control.

§7. If any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein and such provisions are declared severable. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

§8. This Ordinance shall become effective on the date of adoption.

This Ordinance having been considered by a quorum of the Board of Commissioners, on motion to adopt by Commissioner Clint Graham, seconded by Commissioner Terry Morris, the Ordinance was adopted by the following record vote.

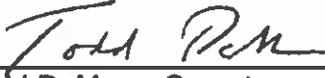
YEAS: Commissioner Jake Halley, Commissioner Terry Morris,
Commissioner Todd Demoss, Commissioner Steve Cagle,
Commissioner Clint Graham, Commissioner Richard Royal

NAYS:

ABSENT:

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 16th day of June, 2020.

ATTEST:



Todd DeMoss, Secretary



Jake Halley, President