

**RESTATEMENT OF THE  
OFFICIAL POLICY AND REGULATIONS OF  
CYPRESS BLACK BAYOU RECREATION  
AND WATER CONSERVATION DISTRICT, BOSSIER PARISH,  
STATE OF LOUISIANA  
REVISED/UPDATED: OCTOBER 31, 2017**

## **CONTENTS**

### **SECTION I: GENERAL GOVERNANCE**

- 1. District Authority**
- 2. Governing Board**
- 3. District Powers**
- 4. Public Participation at Board Meetings**

### **SECTION II: GENERAL POLICIES**

- 1. Effective Date**
- 2. Policy Review**
- 3. Property Use**
- 4. Property Disposal**
- 5. Pollutant Disposal**
- 6. “In Fee” Property**
- 7. Shoreline Property**
- 8. Shoreline Aesthetics**
- 9. Acquired Land Rights (Cypress)**
- 10. Flowage Easement (Cypress)**
- 11. Construction Permits (Cypress)**
- 12. Acquired Land Rights (Black)**
- 13. Flowage Easement (Black)**
- 14. Construction Permits (Black)**

### **SECTION III: RECREATIONAL ACTIVITIES AND USE OF FACILITIES**

- 1. General Prohibitions**
- 2. General Prohibited and Restricted Areas**
- 3. Boating**
- 4. Swimming, Water Skiing, Camping, and Other Activities**

### **SECTION IV: LEASES BELOW “IN FEE LINE”**

- 1. District Liability (Cypress)**
- 2. Land Owner Access (Cypress)**
- 3. Visitor Access (Cypress)**
- 4. “In Fee” Line Leases (Cypress)**
- 5. “In Fee” Modification (Cypress)**
- 6. Lease Types (Cypress)**
- 7. Lessee Rights (Cypress)**
- 8. Lessee Responsibility (Cypress)**

### **SECTION V: SANITATION – CYPRESS AND BLACK BAYOU**

### **SECTION VI: WATER USAGE**

- 1. Cypress Water Usage Regulations**
- 2. Black Bayou Water Usage Regulations**
- 3. Water Draw Requests and Emergency Conditions**
- 4. Water Availability for Lawn and Landscaping Irrigation**

**SECTION VII: CONSTRUCTION AND SIMILAR OPERATIONS**

- 1. General Prohibition on Construction**
- 2. Cypress Construction Regulations**
- 3. Black Bayou Construction Regulations**
- 4. Clearing Operations**
- 5. Duck Blind Registration**

**SECTION VIII: FACILITY PERMITS – CYPRESS AND BLACK BAYOU**

**SECTION IX: COLLECTION OF PERMITTING FEES**

- 1. Scope and Purpose**
- 2. Water Permitting Fees**
- 3. Private Pier, Wharf, Dock, and Boathouse Fees**

**SECTION X: SCHEDULE OF AUTHORIZED FEES**

**SECTION XI: VIOLATIONS AND PENALTIES**

- 1. Violations**
- 2. Penalties**
- 3. Ticketing Policy and Procedure**

**APPENDIX A: LOUISIANA’S “OPEN MEETINGS LAW”**

**APPENDIX B: BOSSIER PARISH POLICE JURY ORDINANCES CHAPTER 82,  
SECTION 2**

## SECTION I

### GENERAL GOVERNANCE

#### 1. DISTRICT AUTHORITY

- a. The Legislature of the State of Louisiana created the Cypress Black Bayou Recreation and Water Conservation District, Bossier Parish, State of Louisiana by Act No. 292 of 1958 as amended and shown as Louisiana Revised Statute Title 38, Section 2610, et seq., as amended.
- b. The Cypress Black Bayou Recreation and Water Conservation District is a political subdivision of the State of Louisiana and has all the rights, powers and privileges of a political subdivision of the State of Louisiana. In general its rights are specified in the laws of the State of Louisiana. More specifically its rights, powers and privileges are spelled out in RS 38:2603 and 2608. It is to have the broadest power as allowed under the laws of the State of Louisiana.

#### 2. GOVERNING BOARD

- a. The District shall be governed and controlled by a board of five commissioners, each of whom shall be a qualified elector of Bossier Parish, residing and owning property within the District. The successors to the present members of the board of commissioners shall be appointed as follows: one by the police jury of Bossier Parish; one by the mayor and governing authority of the City of Bossier City; one by the mayor and governing authority of the Town of Benton; one by the Bossier Parish School Board and the fifth, by the Board of Commissioners of the Bossier Levee District. Any vacancy in the office of commissioner due to death, resignation or any other cause shall be filled by an affirmative vote of the majority of the remaining commissioners. The person so elected shall serve the unexpired term.
- b. Each member of the board of commissioners shall serve a term of five years from the date of his appointment to the board.

#### 3. DISTRICT POWERS

- a. In order to accomplish the purposes of the District and to secure the best results for the construction, operation and maintenance of the works and improvements of the District and to prevent damage to the property of the District, the board of commissioners may make such rules and regulation as it shall deem advisable to:
  - (1) Protect and preserve the works, machinery, improvements and property owned or controlled by the District and to prescribe the manner of their use.

- (2) Prescribe the manner of buildings, bridges, roads, fences or other works in, along or across any channel, reservoir or other construction of the District.
  - (3) Prescribe the manner in which ditches, sewers, pipelines or other works shall be adjusted to or connected with the facilities of the District or any water course within the District and the manner in which the water courses of the District may be used for the disposal of waste.
  - (4) Prescribe the permissible uses of the waters of the District made available by its facilities and to prevent the pollution or the unnecessary waste of such water.
  - (5) Prohibit or regulate the discharge of sewers into the District of any liquid or solid waste deemed detrimental to the waters or facilities of the District.
  - (6) Create, construct and administer such recreational parks, playgrounds and picnic areas as the board shall consider necessary for the use and enjoyment of any water facility owned or controlled by the District and shall provide adequate access to any lake or reservoir created by the District for the use of the public.
- b. The District reserves its rights to evaluate any request for a permit and to grant, defer, table, deny, revoke, or suspend any and all permits and permit applications in the sole exercise of the District's discretion. If a permit is issued by the District and all other applicable governing authorities, then the person acting in compliance with the permits will not be subject to the penalties for violations as set forth herein. However, said safe harbor is applicable only to conduct, acts or omissions committed on and after the date the last required permit is issued. Any conduct, acts, or omissions in violations of these rules and regulations, which predate the issuance of the last required permit, will still be subject to the penalties set forth herein.

#### **4. PUBLIC PARTICIPATION AT BOARD MEETINGS**

##### **a. Comments Invited.**

- (1) Comments from the public shall be invited at each meeting of the Board of Commissioners for the Cypress-Black Bayou Recreation and Water Conservation District.
- (2) Comments from the public shall be invited on each agenda item, before a final vote is taken on the agenda item. During the discussion of each agenda item, the Executive Director shall recognize any persons present at the meeting desiring to comment on the particular item.
- (3) At the close of each meeting of the Board of Commissioners, the President of the Board of Commissioners shall ask for and permit comments on any

subject, provided that no action shall be taken by the Board of Commissioners, except in cases of emergency, on any item not appearing on the agenda.

- (4) All state laws relating to open meetings and to the posting and filing copies of the agenda shall be complied with.

**b. Disruptions Prohibited.**

- (1) Nothing herein shall permit any person or group to disrupt any meeting of the Board of Commissioners.
- (2) Any person disrupting any meeting shall be advised by the Executive Director, any Commissioner, or any law enforcement officer present to cease the disruption. If the person or group fails to cease the disruption, the offending party or parties may be ejected from the meeting.

**c. Time Limits.**

- (1) Persons desiring to speak at a meeting of the Board of Commissioners shall obtain the recognition of the Executive Director before speaking.
- (2) Unless otherwise authorized or allowed by a majority of the Board of Commissioners present at a meeting, no person shall speak to the Board of Commissioners for more than five (5) minutes on any one topic. The same person may address the Board of Commissioners for five (5) minutes each on more than one topic.
- (3) Nothing in this Section shall prohibit any Commissioner of the Board of Commissioners from speaking at any time and at any length, subject to rules of order.

**d. Recognition of and Public Posting of Louisiana’s “Open Meetings Law.”<sup>1</sup>**

- (1) The Board of Commissioners of the Cypress-Black Bayou Recreation and Water Conservation District shall display or cause to be displayed a copy of Louisiana’s “Open Meetings Law,” Louisiana Revised Statutes 42:11, et seq., in a conspicuous location within the District’s Administrative Office, as well as any location in which meetings of the District’s Board of Commissioners are regularly conducted.
- (2) The Board of Commissioners of the Cypress-Black Bayou Recreation and Water Conservation District shall update or cause to be updated the postings required by this Section as amended.

---

<sup>1</sup> Reference to Louisiana’s “Public Meetings Law” (La. Rev. Stat. Ann. §§42:11, et seq.) is attached in **Appendix A** of this Restatement.

## SECTION II

### GENERAL POLICIES

All policies related to the operation of Cypress Black Bayou Recreation and Water Conservation District, have been established by the Board of Commissioners of the Cypress Black Bayou Recreation and Water Conservation District at a meeting on September 9, 1976 at Benton, Louisiana.

#### 1. EFFECTIVE DATE

- a. These policies shall become effective immediately, will be published in appropriate local newspapers or publications, will be published in a manual and shall remain in effect until amended, revised or rescinded by an official action on the part of the Board of Commissioners of Cypress Black Bayou Recreation and Water Conservation District.

#### 2. POLICY REVIEW

- a. It shall be the policy of the Board of Commissioners of the Cypress Black Bayou Recreation and Water Conservation District that these policies shall be officially reviewed periodically.

#### 3. PROPERTY USE

- a. The policy is herein established that no property owned by the District will be available for private, public or commercial use, so long as such property is required for present or future District uses or purposes.

#### 4. PROPERTY DISPOSAL

- a. The policy is herein established that no property owned by the District will be disposed of by sale or transfer of title at any time, unless such property is determined by the Board of Commissioners to be "surplus" and unnecessary to use by the District. In such event, property deemed surplus shall be offered for sale by public sale in accordance with Louisiana Law. The District shall and does reserve the right to reject any and all bids. No property will be declared surplus for which the Soil Conservation Service reimbursed the District for a share of the costs.

#### 5. POLLUTANT DISPOSAL

- a. The policy is herein established that strict regulation of the use, discharge, dumping, disposal of animal waste, garbage and pesticides within the watershed of the reservoirs be exercised. Included within this provision are sanitary landfills, garbage dumps, sewage disposal facilities and agricultural operations, such as cattle and hog production areas, chicken houses, the use of manure as fertilizer, feed lot operations, etc. In general these sources of pollution will be regulated by

Police Jury Ordinance or State Health Department or Parish Health Unit rules and regulations and enforced by the Bossier Parish Health Unit personnel.

**6. “IN FEE” PROPERTY**

- a. The policy is herein established that quality standards, regulation of maintenance standards and abandonment without removal of any type of buildings, facilities, docks, piers, installations or structures on District owned land will be regulated by the Cypress Black Bayou Recreation and Water Conservation District.

**7. SHORELINE PROPERTY**

- a. The policy is herein established that quality standards and regulations of minimum construction standards for any type of buildings or facilities within 800 feet of the shoreline of the reservoirs, other than on lands owned “in fee” by the District, will be controlled by the Bossier Parish Police Jury and the ordinances and procedures established by the Jury for this purpose.

**8. SHORELINE AESTHETICS**

- a. The policies herein established that every effort will be made to retain the natural scenic beauty of the shoreline of the reservoirs. Destruction of trees, shrubs, and natural vegetative screening will be discouraged and where clearing operation on District owned lands are authorized, appropriate measures will be taken to insure proper maintenance and care of the area so cleared in order that the Natural scenic appearance of shoreline is not degraded. Restraint should be exercised toward reduction and destruction of vegetative screening.

**9. ACQUIRED LAND RIGHTS (CYPRESS)**

- a. All of the land rights or property required for the recreation area and for Cypress Bayou Reservoir, the spillway, dam, outfall channels, control structure and appurtenances thereto appertaining, and the reservoir and necessary area owned and administered by the Cypress Black Bayou Recreation and Water Conservation District.
- b. In order to provide a public access strip around the periphery of Cypress Bayou Reservoir, the District has acquired land areas above the pool stage (179.6 MSL) to the (in-fee line) which is generally the greater of two feet vertically or one hundred feet horizontally above the 179.6 MSL contour line.

**10. FLOWAGE EASEMENT (CYPRESS)**

- a. In order to provide for periodic floods which may inundate areas above spillway elevation 179.6 MSL, the District has acquired a flowage easement up to the (flowage easement line) elevation of 187.5 feet MSL. No dwellings, including structures for human habitation, or structures of any nature, type or kind, either movable or immovable, permanent or temporary will be allowed to be constructed



below the 187.5 foot MSL flowage easement line on Cypress. Special requests which have a minimal impact on any flooding that may occur within the flowage easement may be considered by the board on an individual basis. Under no circumstances will permission be given to dig or cut channels across the 187.5 MSL flowage easement contour line on Cypress.

## **11. CONSTRUCTION PERMITS (CYPRESS)**

- a. It shall be the policy of the District that the contiguous landowner or District Concessionaire in the recreation area, may use the area below the 179.6 foot or “pool stage”, provided that all rules and regulations, prescribed fees, restrictions, and reservations, including waiver of any claims against District for damages, are agreed to by lessee, or concessionaire, in writing. Any landowner who is proposing construction of a boathouse, pier, wharf or deck, and its location begins on the landowner’s property and extends into the property of Cypress Black Bayou Recreation and Water Conservation District, must submit to the commission the following information before the commission can consider granting permission for such construction:
  - 1) Written approval from adjoining neighbors as to construction and location of proposed construction which will be no less than 10 feet from property line.
  - 2) Professional detailed plans of proposed construction along with detailed Plat of location of proposed construction, and stamped with a land surveyor or registered engineer seal.
  - 3) Any landowner who is proposing construction for a boathouse, pier, deck, etc. should obtain written permission from his neighbors on each side and submit the neighbors’ input to the District. If neighbors do not consent to location and nature of construction, they must appear before the commission for a hearing and make their objections known either personally, in writing or through a representative. If the parties involved cannot resolve their differences, the board will make the final decision.
  - 4) If in a subdivision, the landowner must submit approval of any subdivision authority that has authority to approve or disapprove such construction on subdivision lots.
  - 5) Boathouses, docks, wharves, and piers or any other such facility may be constructed below the fee line only after written permission is given by the Cypress Black Bayou Recreation and Water Conservation District commission. This permission is at the commission’s discretion.

## **12. ACQUIRED LAND RIGHTS (BLACK)**

- a. All of the land rights or property required for Black Bayou Reservoir, the spillway, dam, outfall channels, control structures, levees and appurtenances

thereto appertaining, and the reservoir and necessary areas are administered by the Cypress Black Bayou Recreation and Water Conservation District. There is no public access strip around the periphery of Black Bayou Reservoir.

**13. FLOWAGE EASEMENT (BLACK)**

- a. In order to provide for periodic floods which may inundate areas above spillway elevation 185.0 MSL, the District has acquired a flowage easement up to the (flowage easement line) elevation of 190.3 feet MSL. No dwellings, structures for human habitation, or structures of any nature, type or kind, whether movable or immovable, permanent or temporary will be allowed to be constructed below the 190.3 foot MSL flowage easement line on Black Bayou. Special requests which have a minimal impact on any flooding that may occur within the flowage easement may be considered by the board on an individual basis. Under no circumstances will permission be given to dig or cut channels across the 190.3 MSL flowage easement contour line on Black Bayou Lake.

**14. CONSTRUCTION PERMITS (BLACK)**

- a. It shall be the policy of the District that the contiguous landowner may use the area below the 185.0 foot MSL or “pool stage”, provided that all rules and regulations, prescribed fees, restrictions and reservations, including waiver of any claims against District for or damages, are agreed to by the contiguous landowner in writing. Boat houses and docks, bulkheads, or any other facility will be permitted below the 185.0 foot MSL contour only when written permit has been obtained from the District. The permitting process will be the same as set forth in Section II paragraph 11 above.
- b. All owners of land around Black Bayou Reservoir who desire to alter, change or realign the Black Bayou Reservoir contour line by channeling, digging, scraping or moving of earth in order to construct and/or deepen boat channels, water intakes, boathouses or docks or any other construction activities where the lake contour line is changed must file application and copy of detailed plans with the District and obtain approval by permit prior to beginning any work of this type. If additional lands are flooded or become subject to flooding, the owner must first deed to the Cypress Black Bayou Recreation and Water Conservation District a fee simple title to such lands to be flooded.
- c. Any landowner who is proposing construction for a boathouse, pier, deck, etc. Should obtain written permission from his neighbors on each side and submit the neighbors’ input to the District. If neighbors do not consent to location and nature of construction, they must appear before the commission for a hearing and make their objections known either personally, in writing or through a representative. If the parties involved cannot resolve their differences, the board will make the final decision.

- d. When it has been determined by the District that such plans are in order, approval may be granted and upon payment of any prescribed fees a permit will be issued to the property owner. Work authorized under the permit must be completed within a period of 12 months from the date of the permit and must be accomplished in accordance with the plans approved by the District.

### **SECTION III**

#### **RECREATIONAL ACTIVIES AND USE OF FACILITIES**

##### **1. GENERAL PROHIBITIONS**

- a. Flights of all Ultra-Light aircraft are prohibited under five hundred feet altitude on both the Cypress and Black Bayou Reservoirs.
- b. Amphibious aircraft takeoffs and landings on Cypress Reservoir and Black Bayou Reservoir are prohibited.
- c. The discharge of a firearm is prohibited on the Black Bayou Reservoir.
- d. No person shall exceed the posted speed limits in the District's park or recreational area.
- e. No person shall discharge a firearm on Black Bayou Reservoir.
- f. No person shall throw, discard, or discharge any kind of refuse, garbage, trash, rubbish or waste into the waters of Cypress Lake or Black Bayou or along the roads, public areas, public sites, or on District owned lands or facilities or anywhere within the zoned area.
- g. No person shall discharge any contaminated water or contaminants of any kind into the waters of Cypress Lake or Black Bayou or into any ditches, tributaries, watersheds or other areas, within the zoned area, which in turn run into Cypress Lake or Black Bayou.
- h. No person, who is a registered sex-offender or who has been convicted in a court of law of having committed any sexual offense with a minor, shall be allowed to enter any District owned land or facilities. Any person who enters any District owned land or facilities in violation of this subsection, in addition to all other penalties set forth herein, shall also be subject to being removed from said land or facilities by law enforcement personnel, and to be banned from any further use of the lake facilities.
- e. The destruction, damage, defacement or removal of district property, vegetation, rocks or minerals is prohibited. In addition to the issuance of a citation, the offender may be removed and his recreational privileges canceled.
- f. It shall be unlawful for any person to throw, discard or discharge into the waters of reservoirs, on or along roads, public areas, private sites, District owned lands

and facilities, or anywhere within the general project area, any kind of refuse, garbage, trash, rubbish or waste. All such refuse, garbage, trash, rubbish or waste shall be disposed of at designated points or places as indicated by marked signs. There shall be no burning of trash or garbage. (This subsection is not intended to suffice or substitute for the Bossier Parish Sanitary Code (Chapter 102).)

- g. Gasoline and other inflammable or combustible liquids shall not be stored for commercial purposes in, upon or around the reservoirs or shores thereof without the written permission of the District. No petroleum products whatsoever or similar products shall at any time be dumped in, on or about the reservoir(s). No floating gasoline, oil or so-called "filling stations" will be permitted on the waters of the reservoir(s). Such products may be dispensed from marinas after application for and granting of a permit by the District.
- h. All commercial operations or activities in the waters of the reservoir(s) or on lands owned by the District shall be strictly in accordance with existing leases, permits or other written agreements with the District.
- i. Alcoholic Regulations.
  - (1) Possession or consumption of alcoholic beverages is prohibited at the recreation area beach, beach parking lots and bathhouse.
  - (2) Laws of the United States, the state and local option laws or restrictions related to the manufacture, storage, distribution, sale, consumption and use of beer, wine and all intoxicating malt or spirituous liquors of the Parish shall govern and dictate the District Rules and Regulations pertaining to the manufacture, distribution, sale, consumption and use thereof. The manufacture, possession, distribution, storage, sale, use and consumption of beer, wine and other intoxicating malt and spirituous liquors in violation of applicable federal, state and local option laws upon the water surface of the reservoirs is specifically prohibited.
- j. Abandonment of Personal Property.
  - (1) Abandonment of personal property on the land or water areas of the reservoirs is prohibited.
  - (2) Personal property shall not be left unattended.
  - (3) Boats shall not be moored offshore and unattended overnight.

## **2. GENERAL PROHIBITED AND RESTRICTED AREAS**

### **a. Prohibited Areas.**

The following district owned and operated areas shall be prohibited:

- (1) Spillways and control gates.

- (2) Water Intake Systems
- (3) Maintenance Shops

**b. Restricted Areas.**

The following restrictions shall apply within the reservoir areas:

- (1) There will be no swimming, boating, skiing, hunting or other recreational activities within 100 feet of the spillways in the reservoir areas. Fishing from the fenced walkway above the Cypress Reservoir spillway is prohibited.
- (2) There will be no swimming, skiing, boating, fishing, hunting or other recreational activities within 100 feet from the water intakes at the control structures. Fishing is authorized along the shorelines of the reservoirs.
- (3) As cities, municipalities or other users obtain permits for water withdrawal plants, additional rules and regulations will be made to protect the withdrawal installations or plants and to better the safety of the general public.
- (4) Commercial development of any nature is prohibited along the shorelines, except by persons who have leases and permits for commercial use and development.
- (5) The restricted areas listed in (1)-(4) directly above will be appropriately marked with floating buoys and/or marked as "Restricted Area—Keep Out," or "No Admittance."
- (6) Construction or development of any nature is prohibited on district property and/or within the spillway elevation contour lines on each reservoir, except by persons who have current leases and/or annual permits for such construction or development.

**c. Other Areas.**

Recreational activities are prohibited in all of the areas designated by "Keep Out" signs, as may be posted from time to time, to protect industrial and/or municipal or District property.

**3. BOATING**

**a. General Regulations Regarding Operation.**

- (1) The operation of motorboats or other vessels is regulated by Louisiana Revised Statutes 34:851.11-34:851.16, and the duty of enforcement of such regulations has been given to the state Wildlife and Fisheries Commission. Enforcement of such regulations by other state and local law enforcement agencies is prohibited.

- (2) No person shall operate in Cypress Lake or Black Bayou any water craft of any kind, which is unfit, unsafe, or unseaworthy. The District reserves its right, but does not have a duty, to inspect any and all water craft. If any such water craft is determined in the sole discretion of the District to be unfit, unsafe, or unseaworthy, then the District, in its sole discretion, has the right, but not the duty, to demand its removal from Cypress Lake or Black Bayou. No person shall refuse the District's instruction to remove any water craft, which has been determined to be unfit, unsafe, or unseaworthy. If any person refuses to comply with the District's instruction to remove any water craft, which has been determined to be unfit, unsafe, or unseaworthy, then in addition to all other penalties set forth herein, said person will also be subject to having their boat sticker removed, or to be banned from further use of the lake facilities, or both, again at the sole discretion of the District; and
- (3) No person shall operate in Cypress Lake or Black Bayou any water craft in a manner which is unsafe, unreasonable, dangerous to the operator, the occupants of said water craft, or any other person. If any person violates this provision, then in addition to all other penalties set forth herein, said person will also be subject to having their sticker removed from their water craft, or to be banned from further use of the lake facilities, or both, again at the sole discretion of the District.

**b. Permits.**

- (1) Application for a permit to operate privately owned boats shall be made on forms provided by the District.
- (2) Such permits will be issued by the District for privately owned pleasure craft upon payment of the permit fee and when inspection has indicated that the pleasure craft is seaworthy and all necessary rules and regulations are understood and required equipment is in order. All boats of whatever size or kind placed on the waters of the District must have a permit with a decal corresponding to the permit number. The decal must be affixed to the port side of the boat, six inches toward the rear of the boat from the state numbers or on the left windshield.
- (3) Permits may be revoked at any time upon failure of the permittee to comply with the terms and conditions of the permit or the regulations pertaining thereto. Boats of any type without valid permits will be removed from the reservoirs.

**c. Commercial Service Boats.**

- (1) No boat, barge or other vessel shall be allowed to operate on or be moored around the reservoir for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to a second party, except

as specifically authorized by a permit or concession contract with the District.

- (2) In all such instances, commercial service boats, barges or other vessels must apply for and secure a permit to operate in accordance with the prescribed conditions and regulations.
- (3) Application for such permit will be made on a form secured at the District's Administrative Office.
- (4) Permits shall be issued by the District's Administrative Office after an inspection for seaworthiness, safety, adequacy of prescribed equipment, payment of prescribed fees and a determination that such operations and services to be performed are in the public interest.
- (5) Permit decals shall be issued by the District and handled in the same manner as prescribed for privately owned pleasure craft as set forth in (b)(2) in this section.
- (6) All rules and regulations as prescribed by the state for privately owned pleasure craft and as contained in this division shall apply to boats permitted for commercial service.

**d. Permit Fees and Charges.**

- (1) All fees are payable in advance, with a penalty of revocation for failure to comply with such requirement.
- (2) The fees for permits are shown in the Schedule of Fees, a copy of which is on file in the District's Administrative Office.

**e. Prohibited Boat Parking or Launching Activities.**

- (1) If any person parks a boat (or other water craft) trailer on District property, or launches a boat or other water craft from District property without paying the required parking fees, the required launch fees, or having the required stickers, then in addition to all other penalties set forth herein, said person will also be subject to having their trailer booted and/or towed at the sole discretion of the District, or to be banned from further use of lake facilities, or both, again at the sole discretion of the District.

**4. SWIMMING, WATER SKIING, CAMPING, AND OTHER ACTIVITIES**

**a. Swimming and Bathing.**

- (1) Swimming and bathing will be permitted in certain designated areas, and persons swimming and bathing in such designated areas shall be protected in the best manner possible.

- (2) Swimming and bathing will not be permitted in areas designated as restricted areas, or within 1,500 feet of occupied, authorized duck blinds during duck hunting season on Cypress Lake.

**b. Water Skiing and Surfboarding.**

- (1) Water skiing and surfboarding will be permitted only in specifically designated and marked areas, and persons water skiing and surfboarding in such designated areas shall be protected in the best manner possible.
- (2) Boating and/or skiing is prohibited within 1,500 feet of occupied, authorized duck blinds during duck hunting season on Cypress Lake.
- (3) Water skiing and surfboarding will be in a counterclockwise direction within the designated areas.

**c. Camping.**

- (1) Camping on District property will be permitted only in specifically designated areas and by permit only.
- (2) Permission is required to camp on or use and inhabit house trailers on District property in the reservoir area.
- (3) Camping equipment shall not be abandoned or left unattended for a period of more than 24 hours.
- (4) The installation of any permanent facility at any designated public camp will be permitted only upon prior written authorization of the District.
- (5) Campers shall keep their campgrounds clean and shall dispose of all refuse, garbage, trash, etc., in accordance with all instructions contained in, and posted on, the campgrounds.
- (6) Due diligence shall be exercised in building and putting out campfires to prevent damage to trees and vegetation, and to prevent forest and grass fires.
- (7) Camps must be completely razed and sites cleared before the departure of campers.

**d. House Trailers.**

- (1) House trailers may be permitted in certain designated areas for camping purposes only by permission obtained in writing from the District.

**e. Picnicking.**

- (1) Picnicking will be allowed in specifically designated areas only.



**f. Special Recreational Activity Programs and Events.**

- (1) Special events, such as water carnivals, fishing rodeos, boating regattas, speedboat races, festivals, trade shows, outdoor presentations and other special recreational programs of interest to the general public will usually be permitted in areas designated by the District.
- (2) A permit must be obtained from the District by the legally responsible public or private agency proposing to hold a special recreational program as indicated in this Article.
- (3) Applications for a permit shall be made in writing to the District, stating all details of the proposed special recreational program or event.
- (4) Charges for said permits shall be as agreed to by the District and the agency sponsoring such special recreational program or event.
- (5) The District shall have the right to revoke any permit granted under this Article and to require the removal of any and all equipment upon failure of the permittee to comply with the terms and conditions contained in this Article and in the special permit issued for such recreational activity program or event.

**g. Effluent and Waste Permits.**

- (1) Permits to release effluent and waste from industrial plants and factories will be issued by the State Stream Control Commission in its usual manner and in accordance with its established rules and regulations. Copies of the permit applications for and the permits issued should be furnished to the District. The District herein reserves the right to exercise its obligations, duties and functions to prevent pollution and protect its facilities.

**SECTION IV**

**LEASES BELOW “IN FEE LINE”**

**1. DISTRICT LIABILITY (CYPRESS)**

- a. District owned lands that surround Cypress Bayou Reservoir below the “Flowage Easement Line” are subject to flooding and cannot be used for permanent dwellings. No dwellings are permitted below the Flowage Easement Line.

**2. LAND OWNER ACCESS (CYPRESS)**

- a. In order that private land owners may have the use of this property as a means of access to the lake surface, a lease may be issued by the District to adjacent property owners when the terms, fees, conditions and restrictions established are agreed to in writing.

**3. VISITOR ACCESS (CYPRESS)**

- a. Visitors to District Recreation areas or parks may also have permissive use through and across the adjacent flood plain in order to have access to the lake surface. Leases or permits may be issued to concessionaires within such park area, the acceptance of regulations, fees and charges pertaining thereto, being an integral part of the leases or permits, and/or concession contracts entered into by the District.

**4. “IN FEE” LINE LEASES (CYPRESS)**

- a. Private lot owners, public agencies, organizations and business establishments owning or having acquired lease on property adjacent to the “in fee line” and planning to locate or located on such property above the “in fee line” may be issued leases on the area down to the water level on payment of prescribed fees therefore, and providing such private lot owners, agencies or organizations agree to abide by the rules and regulations governing such lease or permit covering District property.

**5. “IN FEE” LAND MODIFICATION (CYPRESS)**

- a. All owners or lessees of lands around Cypress Bayou Reservoir abutting the District “in fee line” including private, individual, business, commercial organization and developers of Real Estate Subdivision, who do desire to alter, change or realign the Cypress Black Bayou Reservoir water line in District property by channeling, digging, scraping or moving of earth, in order to bring the water level closer to their property line and/or to deepen such channel for boating, water in takes, etc. must file application and a copy of plans with the District and obtain approval by permit prior to doing any work of this type. If additional lands are flooded or become subject to flooding, the owner must first deed to the Cypress Black Bayou Recreation and Water Conservation District a simple title to said lands to be flooded and an additional 100 feet horizontal or 2 foot vertical, whichever is greater, landward in all directions.
- b. When it has been determined by the District that such plans are in order, approval will be given and upon payment of any prescribed fees, a permit will be issued to private individual, business, commercial and/or organization property owner or lessee. Work authorized under the permit must be completed with a period of 12 months from date of permit and must be accomplished in accordance with the plans approved by the District.
- c. Under no circumstances will permission be given to dig or cut channels across the 190.3 MSL flowage easement contour line for Black Bayou Lake and 187.5 MSL flowage easement contour line on Cypress Lake.

**6. LEASE TYPES (CYPRESS)**

- a. Lease agreements may be entered into with certain landowners of property abutting District owned property. These “lease” agreements will state: “The parties hereto agree that in executing this lease, District in nowise surrenders any right in the property herein leased necessary in the construction, operation, maintenance or financing of said project or directly or indirectly connected therewith. It does not invest in LESSEE any right or privilege inconsistent with such rights.

**7. LESSEE RIGHTS (CYPRESS)**

- a. The Lessee may have the right: to construct docks and wharves for boating, fishing and swimming and boat houses and other installations on the shore line but only with the express written consent of the District for the use of LESSEE, and then only after proper application for construction has been submitted to the commission.
- b. To dredge out small harbors and inlets and slips for boats and to connect these to the lake, but only with the express written consent of the District and under the Districts supervision.
- c. To enjoy the use of the leased area to grow and to cut and to remove timber, subject to conditions outlined in lease agreement.
- d. To construct and to maintain upon the lease property roads and paths to the waterfront to insure full and free ingress and egress thereto. The right of said ingress and egress being specifically granted herein.

**8. LESSEE RESPONSIBILITY (CYPRESS)**

- a. It is expressly agreed by and between District and LESSEE that LESSEE assumes full responsibility for injuries to third parties and damages to their property which may be occasioned by LESSEE’S construction, maintenance or use of said hereinabove described property, and shall hold the District harmless for any such injuries and/or damages.
- b. The rights and privileges of LESSEE as above stated are granted with full recognition that the exercise of any right or privilege by LESSEE must be in conformity with the safety, sanitary and zoning requirements prescribed or to be prescribed hereafter by the District, or by State Laws or Bossier Parish Ordinances.
- c. LESSEE expressly recognizes that the property in whole or in part to be at all times subject to flooding as a part of the reservoir, and LESSEE expressly assumes the risk of any damage resulting from such flooding and agrees to hold the District harmless therefore.
- d. LESSEE also expressly agrees that the District SHALL have the right at any time to occupy and to exclusively possess such parts and portions of the area leased as

may be required for the carrying out and completion of the construction program. After completion of construction and where required by the District, parts and portions of the area leased may be occupied and exclusively possessed by the District for additional construction purposes, and/or for the maintenance, operation and financing of the project. Written notice shall be given to the LESSEE at the address shown herein, at least ninety (90) days prior to the exercise of any such right, and in the meantime the LESSEE shall be entitled to generally do any and all things to minimize his damages. This right of exclusive possession and/or repossession of parts and portions of the area leased herein shall be for rights-of-way and relocations and for buildings, installations and structures when needed for or related to the construction, maintenance, operation and financing of the project. These specific purposes are illustrative and are not exclusive. LESSEE agrees that except as to the rights expressly granted herein all other rights are reserved to the District.

- e. Where the right of repossession of any part of the leased property is exercised by the District a proportionate amount of rental paid by LESSEE shall be immediately refunded, including reimbursement for the reasonable value of authorized improvements placed thereon by LESSEE.
- f. The parties hereto recognize that in the public interest the lake must be fully protected against contamination of any kind, and against hazardous and unsafe installations or constructions contrary to building, safety and sanitary requirements now existing or hereafter adopted by the District. The parties hereto further recognize that situation caused by soil erosion is the most frequent type of pollution and lessee agrees to take every precaution and action to control soil erosion. The parties hereto further recognize the desirability of maintaining the pleasant and natural appearance of the shoreline and lessee agrees to adequately maintain the leased area so as not to detract from the scenic beauty of same.
- g. The District is denied the right to sell or lease to third parties all or any part of the property leased herein for any purpose and guarantees LESSEE, his heirs and assigns that except as to the power of District to repossess parts and portions of the property for the purposes stated above, the District will make no use of the property which will interfere in any way with the specific rights and privileges granted to LESSEE herein, so long as provisions of the agreement are adhered to by LESSEE.
- h. It is agreed by the parties hereto that the general public is to have the right of ingress and egress to, from and along the water front over the leased area and the LESSEE shall erect no fences without the written consent of the District. On receiving written permission of the District for construction of a fence or fences, adequate gates or stiles will be installed to permit unimpeded public passage along the shoreline. This does not include the right to utilize the authorized private structures and facilities placed thereon by LESSEE.

- i. LESSEE shall not have the right to make any commercial use of said property without the written consent of District.
- j. With respect to all matters where this lease is silent, the laws of the State of Louisiana and ordinances of the appropriate Parish or Municipality shall apply.
- k. LESSEE shall comply with all existing regulations regarding safety, sanitation and zoning or those thereafter adopted by District, or by State Law or Parish Ordinance. The failure to do so and/or the failure to comply with any other condition thereof shall constitute grounds for dissolution of this lease upon the continued failure to comply after sixty (60) days written notice by District to LESSEE at the address shown above.
- l. Persons who hold the lease agreements shall be bound by all rules and regulations adopted and approved by the District.

## **SECTION V**

### **SANITATION – CYPRESS AND BLACK BAYOU**

- a. Open air toilets will not be permitted.
- b. Bathroom facilities, septic tanks, nor drainage lines shall not be permitted below the Flowage Easement line (Cypress Bayou Reservoir 187.5 MSL; Black Bayou Reservoir 190.3 MSL).
- c. Oxidation ponds or tanks are not be permitted.
- d. Nothing will be permitted that will render an unsanitary condition or which will affect the sanitation of the lake or pollute the water. Use of an Incinolet Toilet will be permitted on boathouses on both Cypress and Black Bayou Reservoirs “only after approval from the Board of Commissioners”.
- e. Houseboats and barges: (a) Houseboats are not authorized on the reservoirs. A “Houseboat” can be defined as any barge-type boat having an enclosed or semi-enclosed area on board that could be used as a sleeping facility. Barges are authorized, provided no enclosed or semi-enclosed area that could be used as a sleeping facility is provided on board the boat. A canopy or roof may be provided on barges. (c) Boats or barges having a self-contained toilet and/or self- contained sanitary facility (stationary, fixed or portable) on board may be authorized on the reservoirs. All waste from these toilets and/or sanitary facilities must be removed and disposed of on shore in a manner so that it will not contaminate the “reservoir”. Sewage or human waste must not be introduced into the reservoirs.

**SECTION**  
**WATER USAGE VI**

**1. CYPRESS WATER USAGE REGULATIONS**

**a. Private Water Availability.**

- (1) In order to provide private property owners and/or lessees with a limited supply of raw or untreated water from Cypress Bayou Reservoir for personal and private uses on their own property and that leased from the District, water will be withdrawn from the lake, providing the following conditions and requirements are observed by the lessee or permittee:
  - i. Written approval has been secured from the District.
  - ii. The lessee or permittee must be an individual, or a single family unit or household and the water used for drinking, cooking, laundering, sanitation and other personal comforts and necessities.
  - iii. A current fee or permit must be paid of \$4.00 per month per individual or per family unit, located on one (1) acre or less, and an additional \$4.00 per month for each additional individual or one family unit being supported from the same pump or water line. Property in excess of one (1) acre will be charged an additional \$4.00 per acre. Said fees must be paid twelve months in advance.
- (2) Cypress Black Bayou Recreation and Water Conservation District shall not be responsible for availability, purity, quality, quantity or regularity of flow at any time, it being expressly recognized that this raw water is subordinate to present and future municipal, industrial and irrigation uses.
- (3) Water users shall hold Cypress Black Bayou Recreation and Water Conservation District harmless from any direct or indirect damages, injuries or illnesses that might occur from use of such raw water or from the water system.
- (4) Water withdrawn shall be for the personal and private use of the permittee, family and guests, on his premises only, and in no event shall such water be used for commercial purposes.

**b. Public Water Availability.**

- (1) Those who make application to the District for industrial or commercial use of water from the reservoir and their application is approved by the District, shall be governed by written contract, at a price to be negotiated between the District and the user and in accordance with rules and regulations of the Cypress Black Bayou Recreation and Water Conservation District.

**c. Potable Water.**

- (1) Any public or private potable water supply system must be approved in writing by the Bossier Parish Health Unit.

**2. BLACK BAYOU WATER USAGE REGULATIONS**

**a. Private Water Availability.**

- (1) In order to provide private property owners with a limited supply of raw or untreated water from Black Bayou Reservoir for personal and private use on their property, water will be withdrawn from the lake, providing the following conditions and requirements are observed by permittee:
  - i. Written approval has been secured from the District.
  - ii. The lessee or permittee must be an individual, or a single family unit or house hold and the water used for drinking, cooking, laundering, sanitation and other personal comforts and necessities.
  - iii. A current fee or permit must be paid of \$4.00 per month per individual or per family unit, located on one (1) acre or less, and an additional \$4.00 per month for each additional individual or one family unit being supported from the same pump or water line. Property in excess of one (1) acre will be charged an additional \$4.00 per acre. Said fees must be paid twelve months in advance.
- (2) The Cypress Black Bayou Recreation and Water Conservation District shall not be responsible for availability, purity, quality or regularity of flow at any time, it being expressly recognized that this raw water is subordinate to present and future municipal, industrial and irrigation uses.
- (3) Water users shall hold Cypress Black Bayou Recreation and Water Conservation District harmless from any direct or indirect damages, injuries or illness that might occur from use of such raw water or from the water system.
- (4) Water withdrawal shall be for the personal and private use of the permittee, family and guests on his premises only and in no event shall such water be used for commercial purposes.

**b. Public Water Availability.**

- (1) Those who make application to the District for industrial or commercial use of water from the reservoir and their application is approved by the District, shall be governed by written contract, at a price to be negotiated between the District and the user and in accordance with the rules and regulations of the Cypress Black Bayou Recreation and Water Conservation District.

**c. Potable Water.**

- (1) Any public or private potable water supply system must be approved in writing by the Bossier Parish Health Unit.

**3. WATER DRAW REQUESTS AND EMERGENCY CONDITIONS**

**a. Scope and Purpose.**

- (1) The purpose of this Regulation is to establish the District's standard procedure for processing Water Draw requests and to establish the District's policy with regard to Water Draw requests.
- (2) These regulations shall apply to all persons, whether natural or legal, and all premises, whether residential, commercial, agricultural, or industrial, residing, domiciled, or located within the District or located, residing, or domiciled outside of the District and capable of receiving water from the Reservoirs through any pipe, canal, ditch, creek, stream, or other means of conveyance.
- (3) Notwithstanding any prior rules, regulations, policies or procedures of the District, this Regulation shall exclusively govern the procedures of the District in making any determination with regard to a Water Draw request as defined herein.

**b. Definitions.**

- (1) **Agricultural.** The term "Agricultural," shall mean the production, storage, processing, marketing, or distribution of any agronomic, floricultural, horticultural, viticultural, silvicultural, or aquacultural crop, including but not limited to farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products.
- (2) **Applicant.** The term "Applicant," shall mean any person, natural or legal, who, during declared emergency conditions, has properly submitted an Application.
- (3) **Application.** The term "Application," shall mean a written request set forth on a form approved by the Board of Commissioners.
- (4) **Authorization for Water Draw.** The term "Authorization for Water Draw," shall mean written authorization granted by a majority of the Board of Commissions.
- (5) **Board/Board of Commissioners.** The terms "Board" or "Board of Commissioners," as employed within this Regulation shall refer to the five-member governing body of Cypress-Black Bayou Recreation and Water Conservation District, as set forth in Louisiana Revised Statutes 38:2601 et seq.



- (6) **District.** The term “District,” as employed within this Regulation shall refer to the Cypress-Black Bayou Recreation and Water Conservation District.
- (7) **Emergency Conditions.** The term “Emergency Conditions,” means any condition of the Cypress-Black Bayou Reservoirs, whether natural or man-made that presents an imminent risk of substantial harm to human life or property within the District; “Emergency Conditions” may include, but are not limited to, the water level for either of the Reservoirs being below Emergency Levels.
- (8) **Emergency Levels.** The term “Emergency Levels,” means a water level four (4) feet or greater below the Pool Stage of Cypress Bayou Reservoir and/or a water level one (1) foot or greater below the Pool Stage of Black Bayou Reservoir.
- (9) **Pool Stage.** The term “Pool Stage,” means 179.6’ MSL for Cypress Bayou Reservoir and 185’ MSL for Black Bayou Reservoir.
- (10) **Reservoirs.** “Reservoirs” means the Cypress-Black Bayou Reservoirs.
- (11) **Water-Control Device.** The term “Water-Control Device,” means any gate, pipe, valve, grate, levee, retaining wall, or any other flood-control device designed to controlling the location, flow, water level, temperature, current, depth, or any other aspect of the Cypress Bayou Reservoir that is now existing or to be installed in the future.
- (12) **Water Draw.** The term “Water Draw,” means any process intended to draw water from Cypress-Black Bayou Reservoir(s) through the process of opening, widening, manipulating, or otherwise utilizing any water-control device. The term “Water Draw” shall exclude the pumping of water for individual or family purposes by private property owners and/or lessees on their own property or that leased from the District for drinking, cooking, laundering, sanitation, and other personal comforts that are not specifically addressed by this regulation and that are otherwise governed by the provisions of the Policy and Regulations.

**c. Declaring and Action upon Emergency Conditions.**

- (1) The Board hereby vests the Executive Director with the authority to declare that Emergency Conditions exist within the Cypress-Black Bayou Reservoirs.
- (2) If the Emergency Conditions do not present an immediate substantial risk of harm to human life or property within the District, the Executive Director shall provide at least twenty-four (24) hours’ notice of an emergency public meeting of the Board at which he shall publically declare the existence of the Emergency Conditions. Unless otherwise impracticable, public input and participation shall be permitted. The

Executive Director shall cause his intention to declare the existence of the Emergency Conditions to be included in the agenda provided in the notice of the meeting.

- (3) When a substantial risk of immediate harm to human life or property within the District is presented and there is not, in the reasonable discretion of the Executive Director, sufficient time for an emergency public meeting of the Board to be noticed and convened, the Executive Director may take any action, delay or postpone any action, consult with any professional(s), seek the aid of any other entity, corporation, partnership, or governmental agency, whether city, parish, state, or federal that he deems necessary and appropriate in his professional judgment for the protection of the District, subject to his obligation always to act in the best interest of the District. Any such protective or preventative action necessarily includes the power to open any Water-Control Device.
- (4) After taking any action authorized in the immediately preceding subparagraph (c)(3), the Executive Director shall prepare an informal report generally describing the date and nature of the Emergency Conditions and any measures taken to prevent or ameliorate the harm or threatened harm to human life or property within the District. The Executive Director shall forward his report to the Board. The Board may subsequently ratify or adopt any action taken by the Executive Director or take such further action as it deems appropriate.

**d. Water-Draw Requests When Water Levels Are Above Emergency Levels.**

- (1) The Board hereby vests the Executive Director with the authority to process all water draw requests from the Cypress-Black Bayou Reservoirs when the water levels within the Reservoirs are above Emergency Levels.
- (2) When the water levels within the Reservoirs are above Emergency Levels, any person seeking to draw water from the Cypress-Black Bayou Reservoir(s) shall schedule an appointment with the Executive Director to discuss his or her request in person at the District's Administrative Office.
- (3) The Executive Director may grant, partially-grant, conditionally-grant, limit, postpone, delay, restrict or deny any Water-Draw request as he may deem appropriate in the exercise of his professional judgment to be in the best interest of the Reservoirs.
- (4) A person whose Water Draw request has been denied by the Executive Director may, upon the Executive Director's denial, seek authorization for the request from the entire Board through the process set forth for processing Water Draw requests when the water levels within the Reservoirs are below Emergency Levels.

**e. Water-Draw Requests When Water Level Is Below Emergency Levels.**

- (1) When the water level for either of the Reservoirs is below Emergency Levels, the Board shall process all Water Draw requests as set forth in this subparagraph (5) of this subsection.
- (2) All such Water Draw requests shall be submitted by delivering same to the Cypress-Black Bayou Administrative Office during the Office's regularly-posted business hours on such written form as required by the Board so that the Water Draw request may be placed on an agenda at a regular meeting of the Board. The completed form shall be forwarded to each Commissioner at least three (3) days prior to the regularly scheduled meeting at which it is to be considered, posted and noticed (including by mail notice to any member of the news media who requests notice of such meetings) as required by law. At the meeting, the applicant will be allowed to present and support his request to the Board. The Board will allow for public comment from those attending the meeting. Following the public comment period, the Board shall determine whether to grant the applicant's request
- (3) When the water level for either of the Reservoirs is below Emergency Levels, no determination regarding the grant or denial of a Water Draw request shall be made by the Board or any member thereof outside of a duly noticed public meeting. Any disposition of a Water-Draw request made in violation of this section shall be void and unenforceable. However, nothing herein shall be construed to prevent individual members of the Board from informally discussing the merits of a request or gathering facts pertinent to the request.
- (4) In making any determination regarding the granting or denying of a Water Draw request, the Board will consider the conservation of the waters located with the Cypress-Black Bayou Reservoirs the benefit of those persons residing or owning property within the District, and the purpose of the request, whether Agricultural, municipal, recreational, industrial or sanitary purposes.
- (5) When the water level for either of the Reservoirs is below Emergency Levels, no employee of the District shall cause or allow to be caused a Water Draw without first being presented a written authorization from the Board setting forth the specifications of the action authorized.
- (6) Immediately following any authorized Water Draw, the District employee who implemented the prescribed action shall submit a brief, written report logging the date of the Water Draw, the dimensions of the Water-Control Device opened, the time the Water-Control Device was opened and the time the Water-Control Device was closed, which shall be maintained as a record of the District.
- (7) If an Applicant's Water Draw request is denied, the Board of Commissioners shall immediately so state. An Applicant whose request

has been denied is not thereafter prevented from submitting the same or similar request for the next regularly scheduled meeting. However, the Applicant must submit a new application under the procedures set forth herein.

f. **Limit on Pipes and Other Water Control Devices.**

- (1) No pipe or other Water Control Device, including, but not limited to, any pipe or other Water Control Device used for lawn or landscape irrigation or otherwise to draw water from the Reservoirs shall exceed an inside diameter of 1.5 inches in diameter or, if not round in shape, an inside dimension equivalent to a pipe with a round inside diameter of 1.5 inches.

4. **WATER AVAILABILITY FOR LAWN AND LANDSCAPE IRRIGATION**

a. **Scope and Purpose.**

- (1) Lawn and landscape irrigation practices within District, especially during declared Emergency Conditions or the existence of Emergency Levels can cause a waste of valuable water resources.
- (2) The purpose of this Regulation is to mandate that water be used for lawn and landscape irrigation, during declared Emergency Conditions or the existence of Emergency Levels, in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the health of the Cypress-Black Bayou Reservoirs.
- (3) This Regulation shall apply to all persons, residences, businesses, and institutions located within the District.
- (4) This Regulation shall serve as an amendment to and limitation upon Section VI of the Policy and Regulations governing the private, residential use of water from the reservoir(s) drawn through a pump or water line.

b. **Lawn and Landscape Irrigation During Emergency Levels.**

- (1) When the Executive Director has publically declared the water levels within the Cypress or Black Bayou Reservoir(s) to be at Emergency Levels, no person shall use any water to water or sprinkle any lawn, or use water through a hose to water any garden, tree or shrub, except between the hours of eight p.m. and midnight or between the hours of six and ten a.m. of any day on which sprinkling is permitted.
- (2) When the Executive Director has publically declared the water levels, watering or sprinkling will be permitted only on Mondays at all locations having even numbered addresses and on Thursdays at all locations having odd numbered addresses.
- (3) Under no circumstances may any person use any water from the Reservoir(s) to water or sprinkle any lawn, or use water through a hose to

water any garden, tree or shrub when the water levels when the Executive Director has declared that either of the Reservoir(s) are six (6) feet or more below Pool Stage.

- (4) The restrictions of this Section shall cease immediately upon the expiration or withdrawal by the Executive Director of the declaration of Emergency Levels without any further public action on behalf of the Executive Director or Board of Commissioners.

## **SECTION VII**

### **CONSTRUCTION AND SIMILAR OPERATIONS**

#### **1. GENERAL PROHIBITION ON CONSTRUCTION**

- a. No person shall build or cause to be constructed any home, inhabited dwelling, garage, storage building, shop, pool, spa, gazebo, seawall, fence, or any other structure of any kind or nature whatsoever in, on, or attached to any property of the District unless specifically permitted by the District per its rules and regulations, and unless specifically permitted by any other applicable governing authority (for example, Bossier Parish).
- b. No such structure of any kind or nature whatsoever will be built below the fee line of Cypress Lake or Black Bayou as described in the District's rules and regulations unless specifically permitted by the District per its rules and regulations, and unless specifically permitted by any other applicable governing authority (for example, Bossier Parish).
- c. No person shall build or cause to be constructed any home, inhabited dwelling, garage, storage building, shop, pool, spa, gazebo, seawall, fence, or any other structure of any kind or nature whatsoever which impinges or affects the flowage easement of the District unless specifically permitted by the District per its rules and regulations, and unless specifically permitted by any other applicable governing authority (for example, Bossier Parish).
- d. This subsection is applicable to all persons including but not limited to the owner or alleged owner of the offending structure, any architect who designed the structure, any engineer who participated in the site selection, and any contractor or subcontractor who participated in the construction of the said structure.
- e. The only exceptions to the above subparagraphs (a-c) are for structures, which have been specially permitted by the District and by any other applicable governing authority.

#### **2. CYPRESS CONSTRUCTION REGULATIONS**

- a. **Construction on Flowage Easements.**

- (1) No dwellings, including structures for human habitation, or structures of any nature, type or kind, either movable or immovable, permanent or temporary will be allowed to be constructed below the 187.5 foot MSL flowage easement line on Cypress.
- (2) However, special requests which have a minimal impact on any flooding that may occur within the flowage easement may be considered by the board on an individual basis. Yet, under no circumstances will permission be given to dig or cut channels across the 187.5 MSL flowage easement contour line on Cypress.

**b. Contiguous Landowner Exception.**

- (1) Any contiguous landowner or District Concessionaire in the recreation area, may use the area below the 179.6 foot or “pool stage”, provided that all rules and regulations, prescribed fees, restrictions, and reservations, including waiver of any claims against District for damages, are agreed to by lessee, or concessionaire, in writing.
- (2) Any landowner who is proposing construction of a boathouse, pier, wharf or deck, and its location begins on the landowner’s property and extends into the property of Cypress Black Bayou Recreation and Water Conservation District, must submit to the commission the following information before the commission can consider granting permission for such construction:
  - i. Written approval from adjoining neighbors as to construction and location of proposed construction which will be no less than 10 feet from property line.
  - ii. Professional detailed plans of proposed construction along with detailed Plat of location of proposed construction, and stamped with a land surveyor or registered engineer seal.
  - iii. Any landowner who is proposing construction for a boathouse, pier, deck, etc. should obtain written permission from his neighbors on each side and submit the neighbors’ input to the District. If neighbors do not consent to location and nature of construction, they must appear before the commission for a hearing and make their objections known either personally, in writing or through a representative. If the parties involved cannot resolve their differences, the board will make the final decision.
  - iv. If in a subdivision, the landowner must submit approval of any subdivision authority that has authority to approve or disapprove such construction on subdivision lots.

- v. Boathouses, docks, wharves, and piers or any other such facility may be constructed below the fee line only after written permission is given by the Cypress Black Bayou Recreation and Water Conservation District commission. This permission is at the commission's discretion.

**3. BLACK BAYOU CONSTRUCTION REGULATIONS**

**a. Construction on Flowage Easements.**

- (1) No dwellings, structures for human habitation, or structures of any nature, type or kind, whether movable or immovable, permanent or temporary will be allowed to be constructed below the 190.3 foot MSL flowage easement line on Black Bayou. Special requests which have a minimal impact on any flooding that may occur within the flowage easement may be considered by the board on an individual basis. Under no circumstances will permission be given to dig or cut channels across the 190.3 MSL flowage easement contour line on Black Bayou Lake.

**b. Contiguous Landowner Exception.**

- (1) It shall be the policy of the District that the contiguous landowner may use the area below the 185.0 foot MSL or "pool stage", provided that all rules and regulations, prescribed fees, restrictions and reservations, including waiver of any claims against District for or damages, are agreed to by the contiguous landowner in writing. Boat houses and docks, bulkheads, or any other facility will be permitted below the 185.0 foot MSL contour only when written permit has been obtained from the District. The permitting process will be the same as set forth in Section VII (2)(b)(2).
- (2) All owners of land around Black Bayou Reservoir who desire to alter, change or realign the Black Bayou Reservoir contour line by channeling, digging, scraping or moving of earth in order to construct and/or deepen boat channels, water intakes, boathouses or docks or any other construction activities where the lake contour line is changed must file application and copy of detailed plans with the District and obtain approval by permit prior to beginning any work of this type. If additional lands are flooded or become subject to flooding, the owner must first deed to the Cypress Black Bayou Recreation and Water Conservation District a fee simple title to such lands to be flooded.
- (3) Any landowner who is proposing construction for a boathouse, pier, deck, etc. Should obtain written permission from his neighbors on each side and submit the neighbors' input to the District. If neighbors do not consent to location and nature of construction, they must appear before the commission for a hearing and make their objections known either

personally, in writing or through a representative. If the parties involved cannot resolve their differences, the board will make the final decision.

- (4) When it has been determined by the District that such plans are in order, approval may be granted and upon payment of any prescribed fees a permit will be issued to the property owner. Work authorized under the permit must be completed within a period of 12 months from the date of the permit and must be accomplished in accordance with the plans approved by the District.

#### **4. CLEARING OPERATIONS**

- a. The destruction, damage, defacement or removal of district property, vegetation, rocks or minerals is prohibited.
- b. Destruction of trees, shrubs, and natural vegetative screening will be discouraged and where clearing operation on District owned lands are authorized, appropriate measures will be taken to insure proper maintenance and care of the area so cleared in order that the Natural scenic appearance of shoreline is not degraded. Restraint should be exercised toward reduction and destruction of vegetative screening.

#### **5. DUCK BLIND REGISTRATION**

##### **a. General Registration Requirements.**

- (1) Registration of any duck blind pursuant to this Resolution shall only be required once during the lifetime of the duck blind, provided the owner and the contact information remain the same. If the owner or the contact information change, then that information needs to be updated. It will not require annual renewals. No fee will be charged.

##### **b. Registration of Duck Blinds North of Highway 162.**

- (1) Any person who builds, installs, constructs, and/or locates any duck blind on Cypress Bayou Reservoir north of Highway 162 shall register said duck blind with the District office.
- (2) Registration of duck blinds as set forth in Section 1 shall consist of submitting duck blind's owner's name, home address, telephone number, and an alternative emergency telephone number to the district office. The District will assign a number to the duck blind which shall be posted prominently on said duck blind at all times.

##### **c. Registration of Duck Blinds South of Highway 162.**



- (1) Any person who builds, installs, constructs, and/or locates any duck blind on Cypress Reservoir south of Hwy 162 shall register said duck blind with the district office.
- (2) Registration of duck blinds as set forth in Section 3 shall consist of submitting the duck blind's owner's name, home address, telephone number, and an alternative emergency telephone number to the District Office. The owner will further supply the boat registration number to the District Office.

## **SECTION VIII**

### **FACILITY PERMITS – CYPRESS AND BLACK BAYOU**

#### **1. FACILITY PERMIT REGULATIONS**

- a. Piers, bulkheads, wharves, floating boathouses, docks and/or barges and other facilities, extending into the Reservoir will be limited to a maximum total length of no more than 100 feet, perpendicular to water line, from the spillway elevation. Exception: with the Board of Commissioner's approval, piers may be extended to a maximum length of 125 feet or to a depth of three feet at pool stage, whichever is the lesser of the two. Pool stage is 179.6 feet MSL on Cypress Reservoir and 185.0 feet MSL on Black Bayou Reservoir. Private boat ramps may be allowed, with written permission from the District. They must be on a 13.57% grade. There is a one time construction fee of \$50.00.
- b. Applications must be made for the permits granted by the District to locate piers and wharves, stationary and/or floating and other facilities extending into the reservoir below the spillway elevation (Cypress Bayou Reservoir 179.6 ft. MSL: Black Bayou Reservoir 185.0 ft. MSL).
- c. All floating piers, docks, boathouses and/or 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. This requirement also applies to floating type fences. Floating fences (which rise and fall with fluctuations in the lake level) must be of standard type and not more than 150 feet in length measured from the spillway elevation (Cypress Bayou Reservoir 179.6 ft. MSL: Black Bayou Reservoir 185.0 ft. MSL). Installation of all piers, wharves, floating boathouses, docks, barges, and floating type fences and other facilities are in all instances subject to the approval of the District. Bulkheads shall be constructed at the pool stage elevation and shall not be constructed more than 22" above pool stage.
- d. Applications for such must be accompanied by detailed drawings showing locations, dimensions and a copy of detailed construction plans including method of anchoring to insure proper mooring at all times.

- e. After inspection of property and review of plans contained in application and payment of prescribed fees permit may be issued if the plans conform to the District's specifications.

## **SECTION IX**

### **COLLECTION OF PERMITTING FEES**

#### **1. SCOPE AND PURPOSE**

- a. The purpose of this Regulation is to establish the District's standard procedure for collecting those fees owed to the District pursuant to annual permits issued for the household use of District water and the maintenance of private piers, wharves, docks and boathouses on Cypress-Black Reservoirs.
- b. Notwithstanding any prior rules, regulations, policies or procedures, whether formal or informal, of the District, this Regulation shall exclusively govern the collection of water permitting fees and fees incurred for the maintenance of private piers, wharves, docks and boathouses.

#### **2. WATER PERMITTING FEE**

##### **a. Permittee Responsible for All Charges.**

- (1) The permittee of record shall be responsible for the payment of all water permitting fees imposed by Section VI 19 of the Policy and Regulations, in addition to any additional delinquency charges assessed pursuant to the provisions of this Regulation.
- (2) As used herein, the term "Water Permitting Fee(s)" shall refer to the annual fee or fees assessed pursuant to Section VI of the Policy and Regulations upon those persons withdrawing water from Cypress-Black Bayou Reservoirs pursuant to the written approval of the District.

##### **b. Payment and Collection of Water Permitting Fees.**

- (1) All annual water permitting fees are due to the District on the date of mailing or presentation of a statement of the amount due, and become delinquent ten days thereafter.
- (2) If an annual water permitting fee becomes delinquent, written notice shall be given to the permittee of record, and a late penalty of 25% of the annual permitting fee shall be assessed to the delinquent account.
- (3) If all charges imposed by this Regulation are not satisfied within seven days of the date of mailing or presentation of the notice of delinquency, the delinquent account holder shall no longer have the authority to withdraw any water from Cypress-Black Reservoirs.

- (4) If a delinquent account holder's authority has been denied because of a delinquent account, a service fee in the amount of \$25 may be collected before such authority may be restored. If the delinquent account holder continues to withdraw water from Cypress-Black Bayou Reservoirs, the matter shall be referred to the appropriate law enforcement agency.

**3. PRIVATE PIER, WHARF, DOCK, AND BOATHOUSE FEES**

**a. Permittee Responsible for All Charges.**

- (1) The permittee of record shall be responsible for the payment of all annual fees imposed by Section IV of the Policy and Regulations for the use of any private pier, wharf, dock or boathouse, in addition to any additional delinquency charges assessed pursuant to the provisions of this Regulation.
- (2) As used herein, the term "Pier, Wharf, Dock and Boathouse Fees" shall refer to the annual fees assessed to landowners on Cypress- Black Reservoirs for the maintenance of previously-approved piers, wharfs, docks and boathouses on District property pursuant to the schedule of fees established in Section V of the Policy and Regulations.

**b. Payment and Collection of Private Pier, Wharf, Dock and Boathouse Fees.**

- (1) All annual private pier, wharf, dock and boathouse permitting fees are due to the District on the date of mailing or presentation of a statement of the amount due, and become delinquent ten days thereafter.
- (2) If an annual private pier, wharf, dock and boathouse permitting fee becomes delinquent, written notice shall be given to the permittee of record, and a late penalty of 25% of the annual permitting fee shall be assessed to the delinquent account.
- (3) If all charges imposed by this Regulation are not satisfied within five days of the date of mailing or presentation of the notice of delinquency, the delinquent account holder will thereafter be assessed an additional penalty of \$5 a day for each day he or she continues to maintain a private pier, wharf, dock or boathouse in violation of the Policy and Regulations of the District.

**SECTION X**

**SCHEDULE OF AUTHORIZED FEES:**

**Boat Permits:**

All boat permits without launch fee	15.00
Temporary Permit (one (1) week) <sup>2</sup>	5.00
Annual Public Launch Permit <sup>3</sup>	60.00
Each additional boat <sup>4</sup>	10.00 **
Landowner Annual Permit <sup>5</sup>	25.00
Each additional boat (landowner) <sup>6</sup>	5.00

With landowner annual lake permit (\$25.00), all landowners (not including immediate family) have launch privileges at public launches, provided parking space is available.

The immediate family of landowner (immediate family includes father, mother, son & daughter) may purchase landowner annual lake permit and have the privilege of launching from private facility without payment of launch fee. If vehicle is parked at Public Launch, parking fee will be required. All other launching on Cypress and Black Bayou Reservoirs using any launch area or launch facility in lieu of public launch facilities, must have Annual Launch Permit (\$60.00) or obtain regular Boat Permit (according to length of boat) and pay required launch fee before launching or obtain temporary permit and pay required launch fee before launching.

Any watercraft, docked or stored on Cypress or Black Bayou Reservoirs on a permanent basis, owned by persons other than landowner and/or immediate family, will be required to have an annual launch permit.

Any watercraft found using private boat launches on Cypress or Black Bayou Reservoirs without proper Lake Permit, will be given a citation. The private boat launch owner allowing such, will be given a citation; **VIOLATION CAN RESULT IN REVOCATION OF LAKE PERMIT**

**LAUNCH AND/OR PARKING FEES:**

**Recreation Area:**

Entrance fee	\$4.00
Each additional person	1.00
Launch fee	1.50
Walk-in	1.00

**District Ramps on parks Road, Old Palmetto**

**Road and Highway 162:**

Launch fee (includes parking)	2.00 weekdays
	2.50 weekends & holidays

\*\* A second (2nd) family member vehicle sticker may be purchased for \$10.00.

**PERMIT TO PLACE MOORED PIERS AND SIMILAR FACILITIES**

<sup>2</sup> Does not include launch fee.

<sup>3</sup> Includes boat permit and launch fee for 1 year.

<sup>4</sup> Each additional boat must be registered in the same name.

<sup>5</sup> This includes lake permit and launch from private facility for 1 year.

<sup>6</sup>

**ON DISTRICT PROPERTY BELOW “IN FEE” LINE ELEVATION**

Private Use:

Piers, wharves and docks for 200 square feet or smaller \$ 5.00 per year  
(an additional charge of 71/2 cents per square foot for those larger than 200 square feet)

Boat Houses for 200 square fee or smaller 5.00 per year  
(an additional charge of 71/2 cents per square foot for those larger than 200 square feet)

Private Boat Ramps: A one time \$50.00 fee.

Fences may be permitted but there is no charge.

Others....Fee to be determined on receipt of application.

WE NOW ACCEPT MAJOR CREDIT CARDS.

**FEES, CHARGES AND/OR ANNUAL RENTALS FOR ANY OTHER USES AND/OR FACILITIES NOT LISTED HEREIN WILL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS ON RECEIPT OF APPLICATION THEREFOR.**

**THE FEES, CHARGES AND RENTALS SET FORTH HEREIN ARE SUBJECT TO CHANGE AND WILL BE SUBJECT TO ANNUAL REVIEW BY THE BOARD OF COMMISSIONERS.**

**BOARD OF COMMISSIONER’S MEETING**

THE BOARD OF COMMISSIONERS OF CYPRESS BLACK BAYOU RECREATION AND WATER CONSERVATION DISTRICT MEET ON THE SECOND TUESDAY OF EACH MONTH AT 4:00 P.M. AT THE NATURE STUDY CENTER AT CYPRESS PARK.

**SECTION XI**

**VIOLATIONS & PENALTIES**

**1. VIOLATIONS**

- a. No person shall violate any other rules or regulations of the District as currently written and as amended from time to time.
- b. No person shall violate any of the rules, regulations, and ordinances as set forth in the Bossier Parish Police Jury’s Ordinances Chapter 82, Article II as currently written and as amended or updated from time to time.<sup>7</sup>

**2. PENALTIES**

---

<sup>7</sup> A current copy of the Bossier Parish Police Jury’s Ordinances Chapter 82, Article II is attached as **Appendix B.**

- a. Pursuant to Section 82-32 and Section 1-13 of the Bossier Parish Code of Ordinances, any person (including, but not limited to owners, architects, engineers, contractors, sub-contractors and sales representatives) who are found to be in violation of any of the provisions of this Resolution 2015-004, and/or who are found to be in violation of any other rules and regulations of the District, and/or who are found to be in violation of any provisions of the Bossier Parish Police Jury's Code of Ordinances Chapter 82, Article II, shall be punished by a fine of \$500 per day for each day that the violation exists.
- b. Each day any violation of the District's Rule and Regulations shall continue constitutes a separate offense.
- c. Citations issued by the District's Rangers shall be paid by the named violator within ten (10) days from their date of issuance. If the named violator fails to pay the issued citation, he shall be sent a demand letter through certified mail.
- d. If the named violator fails to pay the citation within ten (10) days of receipt of the certified demand letter, the Bossier Parish District Attorney's Office shall be contacted and proceedings to obtain payment of the citation will be executed.

### **3. TICKETING POLICY AND PROCEDURE**

- a. All ticket books will be kept in the safe in the Administrative Office and will be assigned to Rangers by the Director or Administrative Assistant.
- b. Each Ranger so receiving a ticket book shall sign for the ticket book, with the number of the book recorded on a SIGN-OUT SHEET.
- c. The issuing Ranger shall deliver the hardcopy of the citation to the recipient violator, and the Ranger shall return the yellow copy of the citation to the Entrance Shelter, leaving the original citation in the ticket book.
- d. If the violator is not present at the time the citation is to be issued, a Ranger seeking to issue a citation shall contact the Bossier Parish Sheriff's Office to obtain the personal information of the offender, including the name and address of the offender.
- e. Upon receiving a copy of the citation, as set forth in §28.1(3), an appointed employee within the Entrance Shelter shall enter the information contained within the citation into the approved computer database established by the District for such purposes.
- f. A duly appointed employee within the District's Administrative Office shall conduct a weekly review of all citations issued to determine which citations have not been paid.

## **APPENDIX A**

### **LSA-R.S. 42:11**

#### **§ 11. Short title**

This Chapter shall be known and may be cited as the “Open Meetings Law”.

### **LSA-R.S. 42:12**

#### **§ 12. Public policy for open meetings; liberal construction**

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of this Chapter.

### **LSA-R.S. 42:13**

#### **§ 13. Definitions**

A. For the purposes of this Chapter:

(1) “Meeting” means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(2) “Public body” means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(3) “Quorum” means a simple majority of the total membership of a public body.

B. The provisions of this Chapter shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

### **LSA-R.S. 42:14**

#### **§ 14. Meetings of public bodies to be open to the public**

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter.

C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.

D. Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period.

#### **LSA-R.S. 42:15**

##### **§ 15. School board meetings; public comment**

A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

B. The Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.

#### **LSA-R.S. 42:16**

##### **§ 16. Executive Sessions**

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:19, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:17; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.

#### **LSA-R.S. 42:17**



## **§ 17. Exceptions to open meetings**

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons

- (1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.
- (2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.
- (3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
- (4) Investigative proceedings regarding allegations of misconduct.
- (5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.
- (6) Any meeting of the State Mineral and Energy Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is proved pursuant to and consistently with the Public Records Act, being Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other statutes to which the board is subject.
- (7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.
- (8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.
- (9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(8).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of this Chapter shall not apply to judicial proceedings.

C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in this Chapter shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.

#### **LSA-R.S. 42:18**

#### **§ 18. Executive or closed meetings of legislative houses and committees**

A. Notwithstanding any contrary provision of R.S. 42:16 and 17, executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:

(1) Discussion of confidential communications.

(2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.

(3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.

(4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.

(5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the testimony to be elicited will reflect a failure of compliance with law.

(6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.

(8) Any other matters provided by law or pursuant to the joint rules of the legislature.

B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.

C. The provisions of this Chapter shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

#### **LSA-R.S. 42:19**

#### **§ 19. Notice of meetings**

A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.

(ii) Such notice shall include the agenda, date, time, and place of the meeting, provided that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

## **LSA-R.S. 42:20**

### **§ 20. Written minutes**

A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:21. The minutes of all other public bodies shall include but need not be limited to:

(1) The date, time, and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.

(4) Any other information that the public body requests be included or reflected in the minutes.

B. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16, 17, and 18, or rules adopted under the provisions of

#### **LSA-R.S. 42:21**

#### **§ 21. Minutes of legislative sessions, legislative committees and subcommittees**

A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of Article III, Section 10(B) of the Louisiana Constitution, shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.

B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

#### **LSA-R.S. 42:22**

#### **§ 22. Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body**

A. For the purposes of this Section, “gas utility” means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.

B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:

- (1) Be introduced, in writing, at an open meeting of the public body.
- (2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.
- (3) Include a written report of the most recent five-year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.

(4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.

C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.

D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.

E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contractor agreement has been published.

#### **LSA-R.S. 42:23**

#### **§ 23. Sonic and video recordings; live broadcast**

A. All or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live.

B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

#### **LSA-R.S. 42:24**

#### **§ 24. Voidability**

Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.

#### **LSA-R.S. 42:25**

#### **§ 25. Enforcement**

A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative

and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.

#### **LSA-R.S. 42:26**

#### **§ 26. Remedies; jurisdiction; authority; attorney fees**

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

- (1) A writ of mandamus.
- (2) Injunctive relief.
- (3) Declaratory judgment.
- (4) Judgment rendering the action void as provided in R.S. 42:24.
- (5) Judgment awarding civil penalties as provided in R.S. 42:28.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

#### **LSA-R.S. 42:27**

#### **§ 27. Venue; summary proceedings**

A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

#### **LSA-R.S. 42:28**

#### **§ 28. Civil penalties**

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.



## **Appendix B**

### **Bossier Parish Police Jury Ordinances**

#### **Chapter 82 - PARKS AND RECREATION**

#### **ARTICLE II. - CYPRESS AND BLACK BAYOU RESERVOIRS**

##### **DIVISION 1. - GENERALLY**

##### **Sec. 82-31. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*District* means the Cypress-Black Bayou Recreation and Water Conservation District.

##### **Sec. 82-32. - Rules and regulations.**

(a) The police jury hereby adopts the rules and regulations in this division governing the Cypress-Black Bayou Recreation and Water Conservation District.

(b) In connection with the administration of the Cypress-Black Bayou reservoirs and recreation area, the board of commissioners of the district may promulgate other rules and regulations for the operation of such facilities, including the conduct of a party's use of alcoholic beverages of either low or high alcoholic content, and shall post such rules and regulations at the entrance shelter to the recreation area and publish the rules and regulations in the official journal of the district. Any violation of the rules and regulations after they have been posted and published will subject the violator to the penalties provided in section 1-13.

##### **Sec. 82-33. - Recreational activities and facilities.**

(a) *Prohibited areas.* The following district owned and operated areas shall be prohibited:

(1) Spillways and control gates.

(2) Water intake systems.

(3) Maintenance shops.

(b) *Restricted areas.* The following restrictions shall apply within the reservoir areas:

(1) There will be no swimming, boating, skiing, hunting or other recreational activities within 100 feet of the spillways in the reservoir areas. Fishing is authorized from the fenced walkway above the Cypress Reservoir spillway.

(2) There will be no swimming, skiing, boating, fishing, hunting or other recreational activities within 100 feet from the water intakes at the control structures. Fishing is authorized along the shorelines of the reservoirs.

(3) As cities, municipalities or other users obtain permits for water withdrawal plants, additional rules and regulations will be made to protect the withdrawal installations or plants and to better the safety of the general public.

(4) Commercial development of any nature is prohibited along the shorelines, except by persons who have leases and permits for commercial use and development.

(5) The restricted areas listed in subsections (b)(1)—(4) of this section will be appropriately marked with floating buoys and/or marked as "Restricted Area—Keep Out," or "No Admittance."

(6) Construction or development of any nature is prohibited on district property and/or within the spillway elevation contour lines on each reservoir, except by persons who have current leases and/or annual permits for such construction or development.

(7) Hunting is prohibited on Black Bayou Reservoir.

(c) *Other areas.* Recreational activities are prohibited in all of the areas designated by "Keep Out" signs, as may be posted from time to time, to protect industrial and/or municipal or district property.

(d) *Mooring boats.* Mooring boats in any manner to dams, dam earthenworks, soil cement areas, earth embankments and ski buoys is prohibited.

(e) *Destruction of district property.* The destruction, damage, defacement or removal of district property, vegetation, rocks or minerals is prohibited. In addition to penal punishment, the offender may be removed and his privileges canceled.

(f) *Firearms and explosives.*

(1) Rifles, pistols and explosives of any kind are prohibited on district property, except when in the possession of a law enforcement officer or district employee on official business. Shotguns are allowed during hunting seasons only, and then only in specially designated areas, as prescribed.

(2) No shotguns, firearms or explosives shall be fired 1,000 feet of any recreational area.

(3) Rifles, pistols and shotguns shall be allowed and may be fired at the Mid-South Game Fair under conditions and prerequisites as may be set by the Cypress-Black Bayou Recreation Area Board of Commissioners, and/or its agents or representatives, including but not limited to, the following:

a. During the dates of the Mid-South Game Fair;

b. In designated areas;

c. Under the supervision of qualified personnel.

(4) The discharge of a firearm is hereby prohibited on the Black Bayou Reservoir.

(g) *Sanitation.* It shall be unlawful for any person to throw, discard or discharge into the waters of reservoirs, on or along roads, public areas, private sites, district owned lands and facilities, or anywhere within the general project area, any kind of refuse, garbage, trash, rubbish or waste. All such refuse, garbage, trash, rubbish or waste shall be disposed of at designated points or places as indicated by marked signs. There shall be no burning of trash or garbage. (This subsection is not intended to suffice or substitute for the parish sanitary code (chapter 102).)

(h) *Gasoline and oil storage.* Gasoline and other inflammable or combustible liquids shall not be stored for commercial purposes in, upon or around the reservoirs or shores thereof without written permission of the district. No petroleum products whatsoever or similar products shall at any time be dumped in, on or about the reservoir. No floating gasoline, oil or so-called "filling stations" will be permitted on the waters of the reservoir. Such products may be dispensed from marinas after application for and granting of a permit by the district.

(i) *Commercial operations and activities.* All commercial operations or activities in the waters of the reservoir or on lands owned by the district shall be strictly in accordance with existing leases, permits or other written agreements with the district.

(j) *Alcoholic beverages.*

(1) Possession or consumption of alcoholic beverages is prohibited at the recreation area beach, beach parking lots and bathhouse.

(2) Laws of the United States, the state and local option laws or restrictions related to the manufacture, storage, distribution, sale, consumption and use of beer, wine and all intoxicating malt or spirituous liquors of the parish shall govern and dictate the district rules and regulations pertaining to the manufacture, distribution, sale, consumption and use thereof. The manufacture, possession, distribution, storage, sale, use and consumption of beer, wine and other intoxicating malt and spirituous liquors in violation of applicable federal, state and local option laws upon the water surface of the reservoirs is specifically prohibited.

(k) *Gambling.* The laws of the state shall govern and dictate the prohibition of any and all forms of gambling in, on and around the reservoirs. In such instance, the installation or operation of any device or conduct of any activities within the area which, in the opinion of the district, are prejudicial to the best interests and rights of the public and are otherwise objectionable is hereby constituted to be prohibited when found to be in existence.

(l) *Abandonment of personal property.*

(1) Abandonment of personal property on the land or water areas of the reservoirs is prohibited.

(2) Personal property shall not be left unattended.

(3) Boats shall not be moored offshore and unattended overnight.

(m) *Permits to release effluent and waste.* Permits to release effluent and waste from industrial plants and factories will be issued by the state stream control commission in its usual manner and in accordance with its established rules and regulations. Copies of the permit applications for and the permits issued should be furnished to the district. The district reserves the right to exercise its obligations, duties and functions to prevent pollution and protect its facilities.

(Code 1975, § 18:150(A); Ord. No. 4191, 11-7-2007; Ord. No. 4198, 12-5-2007)

**State Law reference**— Stream control commission, R.S. 38:216

**Sec. 82-34. - Boat regulations.**

The operation of motorboats or other vessels is regulated by R.S. 34:851.11—34:851.16, and the duty of enforcement of such regulations has been given to the state wildlife and fisheries commission. Enforcement of such regulations by other state and local law enforcement agencies is prohibited.

(1) *Permits.*

a. Application for a permit to operate privately owned boats shall be made on forms provided by the district.

b. Such permit will be issued by the district for privately owned pleasure craft upon payment of the permit fee and when inspection has indicated that the pleasure craft is seaworthy and all necessary rules and regulations are understood and required equipment is in order. All boats of whatever size or kind placed on the waters of the district must have a permit with a decal corresponding to the permit number. The decal must be affixed to the port side of the boat, six inches toward the rear of the boat from the state numbers or on the left windshield.

c. Permits may be revoked at any time upon failure of the permittee to comply with the terms and conditions of the permit or the regulations pertaining thereto. Boats of any type without valid permits will be removed from the reservoirs.

(2) *Houseboats and barges.*

a. Houseboats are not authorized on the reservoirs. For the purposes of this section, the term "houseboat" means any barge-type boat having an enclosed or semienclosed area on board that could be used as a sleeping facility.

b. Barges are authorized, provided no enclosed or semienclosed area that could be used as a sleeping facility is provided on board the boat. A canopy or roof may be provided on barges.

c. Boats or barges having a self-contained toilet and/or sanitary facility (stationary, fixed or portable) on board may be authorized on the reservoirs. All waste from such toilets and/or sanitary facilities must be removed and disposed of on-shore in a manner so as not to contaminate the reservoir. Sewage or human waste must not be introduced into the reservoirs.

(3) *Commercial service boats.*

- a. No boat, barge or other vessel shall be allowed to operate on or be moored around the reservoir for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to a second party, except as specifically authorized by a permit or concession contract with the district.
- b. In all such instances, commercial service boats, barges or other vessels must apply for and secure a permit to operate in accordance with the prescribed conditions and regulations.
- c. Application for such permit will be made on a form secured at the district office.
- d. Permits shall be issued by the district office after an inspection for seaworthiness, safety, adequacy of prescribed equipment, payment of prescribed fees and a determination that such operations and services to be performed are in the public interest.
- e. Permit decals shall be issued by the district and handled in the same manner as prescribed for privately owned pleasure craft as set forth in subsection (1)b of this section.
- f. All rules and regulations as prescribed by the state for privately owned pleasure craft and as contained in this division shall apply to boats permitted for commercial service.

*(4) Permit fees and charges.*

- a. All fees are payable in advance, with a penalty of revocation for failure to comply with such requirement.
- b. The fees for permits are shown in the schedule of fees, a copy of which is on file in the district office.

**Sec. 82-35. - Swimming, water skiing, bathing and camping.**

*(a) Swimming and bathing.*

- (1) Swimming and bathing will be permitted in certain designated areas, and persons swimming and bathing in such designated areas shall be protected in the best manner possible.
- (2) Swimming and bathing will not be permitted in areas designated as restricted areas, or within 1,500 feet of occupied, authorized duck blinds during duck hunting season.

*(b) Water skiing and surfboarding.*

- (1) Water skiing and surfboarding will be permitted only in specifically designated and marked areas, and persons water skiing and surfboarding in such designated areas shall be protected in the best manner possible.
- (2) Boating and/or skiing is prohibited within 1,500 feet of occupied, authorized duck blinds during duck hunting season.
- (3) Water skiing and surfboarding will be in a counterclockwise direction within the designated areas.

(c) *Camping.*

(1) Camping on district property will be permitted only in specifically designated areas and by permit only.

(2) Permission is required to camp on or use and inhabit house trailers on district property in the reservoir area.

(3) Camping equipment shall not be abandoned or left unattended for a period of more than 24 hours.

(4) The installation of any permanent facility at any designated public camp will be permitted only on written authorization of the district.

(5) Campers shall keep their campgrounds clean and shall dispose of all refuse, garbage, trash, etc., in accordance with all instructions contained in, and posted on, the campgrounds.

(6) Due diligence shall be exercised in building and putting out campfires to prevent damage to trees and vegetation, and to prevent forest and grass fires.

(7) Camps must be completely razed and sites cleared before the departure of campers.

(d) *House trailers.* House trailers may be permitted in certain designated areas for camping purposes only by permission obtained in writing from the district.

(e) *Picnicking.* Picnicking will be allowed in specifically designated areas only.

(f) *Special recreational activity programs and events.*

(1) Special events, such as water carnivals, fishing rodeos, boating regattas, speedboat races, festivals, trade shows, outdoor presentations and other special recreational programs of interest to the general public will usually be permitted in areas designated by the district.

(2) A permit must be obtained from the district by the legally responsible public or private agency proposing to hold a special recreational program as indicated in this subsection.

(3) Applications for a permit shall be made in writing to the district, stating all details of the proposed special recreational program or event.

(4) Charges for such permit shall be as agreed to by the district and the agency sponsoring such special recreational program or event.

(5) The district shall have the right to revoke any permit granted under this subsection and to require the removal of any and all equipment upon failure of the permittee to comply with the terms and conditions contained in this subsection and in the special permit issued for such recreational activity program or event.

(g) *Pets.* Pets are prohibited in the designated recreational and camping areas, except when on a secured leash.

**Secs. 82-36—82-60. - Reserved.**

## **DIVISION 2. - BUILDING AND ZONING REGULATIONS**

### **Subdivision I. - In General**

#### **Sec. 82-61. - Building permits required; fees established.**

It shall be unlawful for any person to construct any building or other structure, or to use any open space, including locating a mobile home, within the area adjacent to and surrounding the Cypress and Black Bayou reservoirs up to a distance of 800 feet from the 179.6-foot contour line on the Cypress Bayou Reservoir and from the 185.0-foot contour line on the Black Bayou Reservoir, which area shall hereafter be called the "Cypress and Black Bayou Reservoirs' Zoned Area" or the "zoned area," without first obtaining a building permit from the office of the police jury, and a fee of \$0.02 per square foot under roof is hereby established; provided, however, the minimum charge shall not be less than \$10.00 for the issuance of such permit.

(Code 1975, § 18:100)

#### **Sec. 82-62. - Zoning regulations established; permitted uses; building site and yard requirements; changes in zoning; violations; penalties.**

(a) All of the area described in section 82-61 is hereby zoned as an R-1 or one-family residential district. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the area by requiring certain minimum yard and area standards to be met.

(b) Only the following uses are permitted in R-1 districts:

(1) *Uses by right.* The following uses are permitted, subject to the conditions specified:

a. Accessory uses.

b. One-family dwellings with a minimum of 800 square feet of heated area.

c. Mobile homes with a minimum of 600 square feet of living area.

d. Farming and truck gardening, which need not be enclosed within a structure.

e. Home occupations.

f. Nameplates, not exceeding one square foot in area, need not be enclosed within a structure.

g. Public parks or playgrounds, including recreation centers, need not be enclosed within a structure.

(2) *Uses requiring planning approval.* The following uses are permitted upon approval of the location and site plan thereof by the police jury as being appropriate with regard to transportation

and access, water supply, waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

a. Fire stations.

b. Golf courses, but not including commercial miniature golf courses or commercial driving ranges, and need not be enclosed within a structure.

c. Libraries, public.

d. Pipe lines and electric transmission lines.

e. Railroad rights-of-way, but not including shops, yards and team tracks, and need not be enclosed within a structure.

f. Water or sewage pumping stations.

(c) The minimum building site area shall be as follows:

(1) One-family dwelling, 6,000 square feet;

(2) Any other permitted use, 10,000 square feet.

(d) The minimum yard dimensions shall be as follows:

(1) Front yard, 25 feet;

(2) Side yard, ten feet;

(3) Rear yard, 25 feet.

Upon the express approval of the police jury, such minimum requirements may be waived for certain buildings having common walls.

(e) A change in zoning may be requested by making an application in writing to the police jury.

(f) A violation of any regulation or building permit issued under this subdivision may be restrained by appropriate action. Any person convicted of a violation of any regulation issued under this subdivision shall be punished as provided in section 1-13 for each day the violation continues.

#### **Sec. 82-63. - National Electrical Code adopted.**

The current edition of the National Electrical Code is hereby adopted to be applicable in the area adjacent to and surrounding the Cypress and Black Bayou reservoirs up to a distance of 800 feet from the 179.6-foot contour line on the Black Bayou Reservoir.

#### **Sec. 82-64. - State plumbing code adopted.**



The state plumbing code, which is chapter 10A of the state sanitary code, is hereby adopted to be applicable in the area adjacent to and surrounding the Cypress and Black Bayou reservoirs up to a distance of 800 feet from the 179.6-foot contour line on the Cypress Bayou reservoir and from the 185.0-foot contour line on the Black Bayou reservoir.

**Sec. 82-65. - Appeals from decisions of parish officials.**

Any person aggrieved by any decision of any officer or department of the parish, with respect to the regulations applicable to the zoned area, may present a petition to the district court of the parish, setting forth the grounds of any alleged illegality. The appeal to the district court shall not stay the effect of the decision appealed from unless a restraining order for such purpose is granted by the district court.

**Sec. 82-66. - Violations; penalties.**

A violation of any regulation or building permit issued under this subdivision may be restrained by appropriate action. Any person convicted of a violation of any regulation issued under this subdivision shall be punished as provided in section 1-13 for each day the violation continues.

**Secs. 82-67—82-80. - Reserved.**

**Subdivision II. - Sewage**

**Sec. 82-81. - Sewage disposal system installations—Permits required.**

It shall be unlawful for any person to construct any type of sewage disposal system, without first obtaining a permit from the office of the police jury, in all of the portion of the watersheds of the Cypress Bayou and Black Bayou lying upstream of the proposed dam to be constructed on Cypress Bayou in Section 12, T19N, R13W, and Section Seven, T19N, R12W, and upstream of the proposed dam to be constructed on Black Bayou in Sections 11, 12 and 14, T19N, R13W, being the lands lying north and west of the proposed dam sites and within the watersheds of Cypress and Black Bayous situated in T19N, T20N, T21N, T22N and T23N, R11W, R12W, R13W and R14W.

**Sec. 82-82. - Same—Regulations.**

(a) The following regulations are applicable to the installation of sewage disposal systems within the area described in section 82-81:

(1) No part of a sewerage or sewage disposal system shall be located within 50 feet of the spillway elevation contour line of the reservoirs (Cypress-Black Bayou Reservoir No. 1, spillway elevation 179.6, and Cypress-Black Bayou Reservoir No. 2, spillway elevation 185.0). This includes, by way of illustration, such things as privies, septic tanks, sewers and any other installed waste disposal facilities or systems.

(2) There shall be no discharges of sewerage, regardless of the degree of treatment, within 100 feet of the spillway elevation contour line (Cypress-Black Bayou Reservoir No. 1, spillway elevation 179.6, and Cypress-Black Bayou Reservoir No. 2, spillway elevation 185.0).

(3) All sewerage discharges within one mile of the spillway elevation contour line of the reservoirs shall have received the equivalent of tertiary treatment and disinfection. For the purpose of this section, the term "tertiary treatment" means a third stage treatment resulting in overall treatment efficiency of not less than 95 percent reduction of five-day biochemical oxygen demand (BOD) and suspended solids.

(4) All sewerage discharges beyond the one mile limit shall have received the equivalent of secondary treatment with efficiencies of not less than 85 percent removal of five-day BOD and suspended solids. However, the effluents, under no circumstances, shall contain greater than 25 parts per million (ppm) five-day BOD and suspended solids. Disinfection of the effluents shall be provided.

(5) Wherever reasonably practical, the effluents from sewage treatment systems shall be discharged outside the watershed of the impoundments.

(b) In addition, no individual sewage disposal system shall be installed unless it complies, in every respect, to the minimum requirements as set forth in the Manual of Practice for Individual Sewerage Disposal, issued by the state department of health, 1971 edition, as amended.

(c) All sewerage and sewage disposal installations shall conform with the provisions chapter X of the state sanitary code.

#### **Sec. 82-83. - Adoption of Manual of Practice for Individual Sewerage Disposal.**

The Manual of Practice for Individual Sewerage Disposal, issued by the state department of health, 1971 edition, as amended, is hereby adopted to be applicable in the area adjacent to and surrounding the Cypress and Black Bayou reservoirs up to a distance of 800 feet from the 179.6-foot-contour line on the Cypress Bayou reservoir and from the 185.0-foot contour line on the Black Bayou reservoir.

#### **Sec. 82-84. - Violations; penalties.**

Any person who shall violate any of the provisions of section 82-81, 82-82 or 82-83 shall be punished as provided in section 1-13 for each day the violation continues after notification.

#### **Sec. 82-85. - Conflicts between regulations of the police jury and the board of commissioners of the district.**

In the event of a conflict between the sewage disposal and water conservation regulations adopted by the police jury and regulations issued by the board of commissioners of the district, the regulations issued under the authority of Act No. 331 of the Louisiana Legislature of 1972 shall control.