

ACT No. 287

2015 Regular Session

HOUSE BILL NO. 65

BY REPRESENTATIVE LORUSSO

1 AN ACT

2 To amend and reenact R.S. 38:225(A)(1), relative to levees; to limit the placement of
3 obstructions upon certain levees in Orleans Parish; and to provide for related matters.

4 Notice of intention to introduce this Act has been published as
5 provided by Article III, Section 13 of the Constitution of Louisiana.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:225(A)(1) is hereby amended and reenacted to read as follows:

8 §225. Obstructions on levees, waterways, and rights-of-way therefor; removal at
9 expense of person responsible; destroying markers prohibited

10 A. No person shall:

11 (1)(a) ~~Place~~ Except as provided by Item (b)(i) of this Paragraph, place or
12 cause to be placed upon or within fifteen feet of any part of the levees fronting any
13 waterway subject to the control or surveillance of police juries, levee boards,
14 municipal corporations, or other authorized boards or departments, any object,
15 material, or matter of any kind or character which obstructs or interferes with the
16 safety of the levees or is an obstacle to the inspection, construction, maintenance, or
17 repair of any levee; or place or cause to be placed any object, structure, material, or
18 matter of any kind or character upon any part of any land which the state or any
19 agency or subdivision thereof may own or acquire by deed, lease, servitude, charge,
20 or otherwise, and through its authorized representative, may donate, grant, or
21 otherwise convey to the United ~~States'~~ States rights-of-way, easements, or other
22 servitudes for the construction, improvement, or maintenance of any flood-control
23 structures or natural or other waterway, which may obstruct or interfere with the

1 improvement or maintenance of such waterway or use of the land for flood-control
 2 purposes.

3 (b)(i) Place or cause to be placed upon or within six feet of any part of a levee
 4 fronting the 17th Street, Orleans Avenue, or London Avenue outfall drainage canals
 5 located in Orleans Parish that is not used for commercial navigation, and is subject
 6 to the control or surveillance of police juries, levee boards, municipal corporations,
 7 or other authorized boards or departments, any object, material, or matter of any kind
 8 or character which obstructs or interferes with the safety of the levees, or is an
 9 obstacle to the inspection, construction, maintenance, or repair of any levee; or place
 10 or cause to be placed any object, structure, material, or matter of any kind or
 11 character upon any part of any land which the state or any agency or subdivision
 12 thereof may own or acquire by deed, lease, servitude, charge, or otherwise, and
 13 through its authorized representative, may donate, grant, or otherwise convey to the
 14 United States rights-of-way, easements, or other servitudes for the construction,
 15 improvement, or maintenance of any flood-control structures, or natural or other
 16 waterway, which may obstruct or interfere with the improvement or maintenance of
 17 such waterway, or use of the land for flood-control purposes.

18 (ii) Item (i) of this Subparagraph shall not be applied if the federal
 19 government, including but not limited to the United States Army Corps of Engineers
 20 or the Federal Emergency Management Agency, requires, by law or regulation, the
 21 prohibition in Item (i) of this Subparagraph to be greater than six feet. In that event,
 22 the prohibition in Subparagraph (1)(a) of this Subsection shall apply to any part of
 23 a levee fronting the 17th Street, Orleans Avenue, or London Avenue outfall drainage
 24 canals located in Orleans Parish.

25 ~~(b)(c)~~ None of the provisions of this Paragraph shall apply to any structures
 26 or objects placed upon the land needed for flood control or waterway improvement
 27 or maintenance by the owner thereof, or by his lessee or licensee, or by any person,
 28 firm, or corporation with approval of the United States Army Corps of Engineers and
 29 the levee board or other necessary governmental authority, except that no new
 30 objects, works, or structures shall be placed upon riparian land burdened with the

