

2020 Regular Session

HOUSE BILL NO. 650

BY REPRESENTATIVE AMEDEE

WATERWAYS/CANALS: Provides relative to the regulation of gates across waterways in the coastal areas

1 AN ACT

2 To enact R.S. 34:347, relative to waterways; provides for certain regulations applicable to  
3 gates across waterways in the Coastal Zone; to require rules and regulations and  
4 enforcement by the Department of Wildlife and Fisheries; to provide for civil  
5 penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 34:347 is hereby enacted to read as follows:

8 §347. Gates; regulation of; safety requirements and enforcement

9 A. In order to promote and ensure the safety and protection of people,  
10 property, and the environment, any person who erects a gateway, fence, or any  
11 structure that prevents or restricts access to, across, or through any river, stream,  
12 canal, bayou, bay, lake, or any waters that are navigable in fact or subject to the ebb  
13 and flow of the tide, shall ensure that the gateway, fence, or other structure is visible  
14 at night, and in low light conditions to indicate its location, and is constructed in a  
15 manner to stay above the water during high tide or other high water events, and  
16 displays the owner's contact information including name, address, and telephone  
17 number. The Department of Wildlife and Fisheries shall promulgate rules and  
18 regulations under the Administrative Procedures Act to specify the details of the  
19 provisions of this Section regarding marking, lighting, siting, manner of

1 construction, and any other requirements it deems necessary in order to promote the  
2 safety and welfare of people, property, and the environment.

3 B. Violations of this Section shall result in civil penalties of not less than  
4 fifty dollars per day, up to a maximum penalty of five-thousand dollars per year.

5 The provisions of this Section shall be enforced by the department and by any local  
6 law enforcement agency. All civil penalties collected under the provisions of this  
7 Section by the department shall be credited to the Conservation Fund, while any civil  
8 penalties collected by any local law enforcement agency shall be retained by the law  
9 enforcement agency that issued the citation.

10 C. Nothing in this Section shall be used as a basis of estoppel to confirm or  
11 deny ownership, or any rights of public or private access related to the water, or to  
12 the beds and bottoms of any waterway covered by this Section.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 650 Original

2020 Regular Session

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**Abstract:** Provides for regulation of gate across waterways in the coastal areas.

Proposed law provides that any person who erects a gateway, fence, or any structure that prevents or restricts access to any river, stream, canal, bayou, bay, lake, or any waters that are navigable or subject to the ebb and flow of the tide, is required to ensure that the gateway, fence, or other structure is visible at night, and in low light conditions to indicate its location, and is constructed in a manner to stay above the water during high tide or other high water events, and displays the owner's contact information including name, address, and telephone number. Requires the Dept. of Wildlife and Fisheries to promulgate rules and regulations to specify the details regarding marking, lighting, siting, manner of construction, and any other requirements it deems necessary in order to promote the safety and welfare of people, property, and the environment.

Proposed law provides that violations will result in civil penalties of not less than \$50 per day, up to a maximum penalty of \$5,000 per year. Provides for enforcement by the Dept. of Wildlife and Fisheries and any local law enforcement agency. Provides that civil penalties collected by the department will be credited to the Conservation Fund, while any civil penalties collected by any local law enforcement agency be retained by the law enforcement agency that issued the citation.

Proposed law specifies that nothing in proposed law can be used as a basis of estoppel to confirm or deny ownership, or any rights of public or private access related to the water, or to the beds and bottoms of any waterway covered by proposed law.

(Adds R.S. 34:347)