

2015 Regular Session

HOUSE BILL NO. 65

BY REPRESENTATIVE LORUSSO

LEVEES: Provides relative to the placement of obstructions upon certain levees in Orleans Parish

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

1 otherwise convey to the United States' rights-of-way, easements, or other servitudes
2 for the construction, improvement, or maintenance of any flood-control structures
3 or natural or other waterway, which may obstruct or interfere with the improvement
4 or maintenance of such waterway or use of the land for flood-control purposes.

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

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

27 ~~(b)(c)~~ None of the provisions of this Paragraph shall apply to any structures
28 or objects placed upon the land needed for flood control or waterway improvement
29 or maintenance by the owner thereof, or by his lessee or licensee, or by any person,

1 firm, or corporation with approval of the United States Corps of Engineers and the
 2 levee board or other necessary governmental authority, except that no new objects,
 3 works, or structures shall be placed upon riparian land burdened with the levee
 4 servitude and on which a flood control levee or flood control structure is located,
 5 without first obtaining a permit or letter of no objection from the levee district in
 6 which the land is located or from the appropriate governing authority where no levee
 7 district exists.

8 * * *

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 65 Engrossed

2015 Regular Session

Lorusso

Abstract: Prohibits the placement of any obstruction within six feet of certain parts of levees in Orleans Parish.

Present law prohibits the placing of material or matter of any kind which obstructs or interferes with the safety of the levee or is an obstacle to the inspection, construction, maintenance, or repair of any levee within 15 feet of any part of the levee.

Proposed law prohibits placement of obstructions within six feet of any part of a levee fronting the 17th Street, Orleans Avenue or London Avenue outfall drainage canal in Orleans Parish not used for commercial navigation.

Proposed law provides that the prohibition in proposed law shall not be applied if the federal government, including but not limited to the United States Army Corps of Engineers or the Federal Emergency Management Agency, requires, by law or regulation, the prohibition in proposed law to be greater than six feet. In this event, present law would be applied to any part of a levee fronting the 17th Street, Orleans Avenue or London Avenue outfall drainage canal in Orleans Parish not used for commercial navigation.

(Amends R.S. 38:225(A)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Add a provision that specifies that proposed law shall not be applied if the federal government, including but not limited to the United States Army Corps of Engineers or the Federal Emergency Management Agency, requires, by law or regulation, the prohibition in proposed law to be greater than six feet.
2. Add a provision that clarifies present law would be applied to any part of a levee fronting the 17th Street, Orleans Avenue or London Avenue outfall drainage

canal in Orleans Parish not used for commercial navigation if the federal government, including but not limited to the United States Army Corps of Engineers or the Federal Emergency Management Agency, requires, by law or regulation, the prohibition in proposed law to be greater than six feet.

3. Make technical changes.