

Louisiana Revised Statutes

LOUISIANA REVISED STATUTES

TITLE 30 MINERALS, OIL, AND GAS AND ENVIRONMENTAL QUALITY

SECTION 2531.1 GROSS LITTERING PROHIBITED; CRIMINAL PENALTIES; INDEMNIFICATION

A. No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, roofing nails, and bags or boxes of household or office garbage or refuse upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

B.(1) If the litter listed in Subsection A is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

C. The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

D.(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than five hundred dollars nor more than one thousand dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(2) Upon second conviction, an offender shall be fined not less than one thousand dollars nor more than two thousand five hundred dollars and sentenced to serve twenty-four hours of community service in a litter abatement work program as approved by the court.

(3) Upon third or subsequent conviction, an offender shall be fined not less than one thousand five hundred dollars nor more than five thousand dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or sentenced to serve not less than forty-eight and not more than one hundred hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.

(4) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section.

E. A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

F. For the purposes of this Section, each occurrence shall constitute a separate violation.

G. In addition to penalties otherwise provided, a person convicted under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 211 CUTTING OR DESTROYING LEVEE PROHIBITED

La R.S. 38:211

No unauthorized person shall willfully and maliciously cut, alter, break, or destroy in any manner any public or private levee, embankment, floodwall, floodgate, or other flood protective device within a levee district or cause to open when officially closed or cause to close when officially opened, any floodgate, stoplog structure, valve or other flood protective device made for protection from overflow or shall aid and abet any person in so doing.

Whoever violates this Section shall be fined not more than five thousand dollars or imprisoned at hard labor for not more than ten years.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 212 ATTEMPT TO CUT OR DESTROY LEVEE PROHIBITED

La R.S. 38:212

No person shall willfully and maliciously attempt to cut, alter, break, or destroy in any manner any public or private levee, embankment, floodwall, floodgate, or other flood protective device within a levee district or cause to open when officially closed or cause to close when officially opened, any floodgate, stoplog structure, valve or other flood protective device made for

protection from overflow.

Whoever violates this Section shall be fined not more than three thousand dollars or imprisoned at hard labor for not more than two years.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 213 RIDING OR HAULING ON LEVEES PROHIBITED

La. R.S. 38:213

No person shall ride, drive, or haul upon the public levees except where, in the judgment of the levee commissioners of a district and the Department of Public Works, ample provision has been made to guard against any damage to which the levees may thereby be exposed from wear, tear, and abuse.

Whoever violates this Section shall be fined not more than fifty dollars or imprisoned for not more than thirty days or both.

This Section shall not be construed to restrict the proper officers of the state or of any levee district or parish while in the performance of duty in inspecting, guarding, or repairing the levees.

Nothing in this Section shall interfere with the crossing over any public levees, at ramps or inclines established under plans and specifications of the Department of Public Works, for the purpose of transporting any material that may be used or required in the business of the population living behind the levees.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 213.1 HUNTING OR DISCHARGE OF FIREARMS, WHEN PROHIBITED

La. R.S. 38:213.1

A. Hunting or the discharge of firearms on roads or highways located on public levees or within one hundred feet from the center line of such roads or highways is hereby prohibited except by law enforcement officers in discharge of their official duties.

Whoever violates this section shall be fined not more than fifty dollars or imprisoned for more than thirty days or both.

B. In addition to such other law enforcement officers as by law are vested with such authority, the law enforcement officers of the Louisiana Wildlife and Fisheries Commission are authorized to enforce the provisions of this section.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 215 OBSTRUCTION OF DRAINAGE PROHIBITED

La. R.S. 38:215

No person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.

Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars and in default of payment of fine and costs shall be imprisoned for not less than thirty days nor more than six months.

Each obstruction shall constitute a separate offense.

Failure on the part of anyone who has felled or cut trees in such manner that the tops obstruct any drainage or has placed any other obstruction in any drainage to remove the obstruction shall constitute prima facie evidence of willful intent within the meaning of this Section.

The word drainage as used in this Section means any natural drain or any artificial drain which has been used for the purposes of drainage for at least ten years.

TITLE 38 PUBLIC CONTRACTS, WORKS & IMPROVEMENTS

SECTION 225 OBSTRUCTION ON LEVEES, WATERWAYS AND RIGHTS OF WAY THEREFORE; REMOVAL AT EXPENSE OF PERSON RESPONSIBLE; DESTROYING MARKERS PROHIBITED

La. R.S. 38:225

A. No person shall:

(1)(a) Place or cause to be placed upon or within six feet of any part of the levees fronting any waterway subject to the control or surveillance of police juries, levee boards, municipal corporations, or other authorized boards or departments any object, material, or matter of any kind or character which obstructs or interferes with the safety of the levees or is an obstacle to the inspection, construction, maintenance, or repair of any levee; or place or cause to be placed any object, structure, material, or matter of any kind or character upon any part of any land which the state or any agency or subdivision thereof may own or acquire by deed, lease, servitude, charge, or otherwise, and through its authorized representative, may donate, grant, or otherwise convey to the United States rights-of-way, easements, or other servitudes for the construction, improvement, or maintenance of any flood-control structures or natural or other waterway, which may obstruct or interfere with the improvement or maintenance of such waterway or use of the land for flood-control purposes.

(b) None of the provisions of this Paragraph shall apply to any structures or objects placed upon the land needed for flood control or waterway improvement or maintenance by the owner thereof, or by his lessee or licensee, or by any person, firm, or corporation with approval of the United States Corps of Engineers and the levee board or other necessary governmental authority, except that no new objects, works, or structures shall be placed upon riparian land burdened with the levee servitude and on which a flood control levee or flood control structure is located, without first obtaining a permit or letter of no objection from the levee district in which the land is located or from the appropriate governing authority where no levee district exists.

(2) Tie or moor logs, rafts, boats, water craft, or floating objects of any description to the levees, or, when the water is against the levees, tie or moor floating objects insecurely to mooring posts, revetments, trees or other stationary or supposedly stationary objects on the foreshore where they can be driven against the levees during windstorms;

(3) Portage boats, water-craft, logs, driftwood or other floating objects over the levees or dykes anywhere, under any circumstances, during the time the water is against the levees, or at any other time except at ramps or properly prepared crossings, under permits issued by the levee district for the purpose in cases where the objects are very heavy;

(4) Ply the river or other leveed waterways with any power driven vessels, during flood stages at speeds inimical to the safety and integrity of the levee system or greater than necessary for steerage purposes and "slow bell" progress;

(5) Use explosives to produce heavy detonations in exploring for so called salt domes or for any other purpose, within two miles of the levees or the banks of the rivers or leveed waterways during the time the water is actually against the levees or approaching more than bank full stage or, within one-half mile thereof during low water stages;

(6) Drill, drive, jet, or otherwise sink oil, gas, or deep-water wells within two hundred fifty feet of the levees;

(7) Excavate wells, pumps, reservoirs, fish ponds, drainage canals or ditches, other than small seepage ditches, borrow pits, or pits for cesspools or privies, or for any other purpose, nearer the levee than thirty feet from its riverside toe and one hundred feet from its land side toe;

(8) Scrape or wear away the surface of the levee or its surfacing of sod by tobogganing, dip-netting, or any other form of abuse; or

(9) Break off, disturb, remove, or destroy engineers' or surveyors' marker stakes, reference points or bench marks placed on or near the levees.

(10) Drive or otherwise sink piles within two hundred fifty feet of the levee unless he has first received a permit or a letter of no objection from the levee district.

B. If after forty-eight hours' notice by any district commissioner, levee inspector, or authorized representative of the state, agency or subdivision thereof, the object or objects, structures or other obstructions have not been removed, said objects can be removed or the menace abated and any damage repaired by the state, its agency or subdivision at interest at the expense of the owner, agent or person responsible therefore. The objects, structures or other obstructions may be attached and may be removed from said levee or land at the risk and expense of the owners or persons responsible therefore to remove the menace to said levee or the obstacle to the improvement or maintenance of such waterway.

C. This Section shall not apply to movable property placed upon the wharves and landings in New Orleans or in any other legally constituted port areas.

D. Whoever violates this Section shall be fined not more than one hundred dollars or imprisoned for not more than six months or both.
Amended by Acts 1966, No. 244, §1; Acts 1997, No. 1456, §1.