

RS 34:843**§843. Objects; removal; disposition**

A.(1) The owner of any tug, towboat, barge, watercraft, ship, vessel, equipment, machinery, or any object of any kind or description, whether foreign or domestic, which has been left unattended, stored, junked, or abandoned in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana, or the owner of any such object moored or tied off in a drainage ditch or canal, or in an outfall canal shall present a plan as provided herein to remove the object from the waterway or bank within thirty days after receipt of a written notice by certified mail from the federal, state, or local governing authority having jurisdiction thereof, hereinafter referred to as "authority", to remove the object. In the event that the owner cannot be identified or located by the authority, the authority shall publish in the official journal of the parish where the object is located, a notice that the object shall be removed by the authority at any time after thirty calendar days of publication of the notice at the cost of the owner and shall be disposed of by the authority. If the object poses no immediate danger to life or property, the owner shall, within thirty days after receipt of notice by certified mail, present to the authority having jurisdiction over the matter, a plan for the removal of the object as soon as possible, considering factors of safety, cost, and efficiency in accomplishing the removal. The authority shall approve or reject the plan within thirty days from the date of submission by the owner.

(2) In the event the moored, tied off, unattended, stored, junked, or abandoned object poses immediate danger to life or property, it shall be removed by the owner immediately upon receipt of written or oral notice to remove. Any object within one hundred feet of a drainage pump discharge station is presumed to be an immediate danger to life or property.

B.(1) In the event that a plan for removal of the object is not presented to the authority, or a plan is not approved by the authority, within the periods provided for in Paragraph A(1), then the authority may have the object removed at the owner's cost and junk, discard, or otherwise dispose of the object or sell, exchange, or otherwise transfer ownership of the object to any person, corporation, or entity whatsoever for any price or consideration which the authority may deem advisable, or for no consideration, and apply the proceeds received, if any, to the cost of removing the object, and the balance, if any, shall become the property of the authority.

(2) In the event the object poses immediate danger to life or property and is not removed upon written or oral notice to remove as provided in Paragraph A(2), or the owner cannot be identified or located, the authority may cause the removal of the object at the owner's cost, risk, and expense, and may discard or otherwise dispose of the object, or sell, exchange, or otherwise transfer ownership of the object to any person, corporation, or entity whatsoever for any price or consideration which the authority may deem advisable, or for no consideration, and apply the proceeds received, if any, to the cost of removing the object, and the balance, if any, shall become the property of the authority.

C. The authority shall not be liable or responsible to the owner or other claimant of the object for any damage to or destruction of the object in connection with the removal, storage, sale, or other disposition of the object.

D. Whoever violates the provisions of this Section shall be fined five hundred dollars or imprisoned for not more than six months, or both.

Acts 1985, No. 805, §1; Acts 1988, No. 527, §1, eff. July 8, 1988; Acts 1988, No. 758, §1, eff. July 15, 1988; Acts 1991, No. 309, §§1 and 3.