

On motion by Leonard J. Miller, Jr., seconded by Adam Ted Gisclair, the following Ordinance was proposed and adopted:

ORDINANCE NUMBER 11

AN ORDINANCE TO LIMIT THE USE OF THE BORROW PIT AND LEVEE BY THE PUBLIC, PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF.

WHEREAS, the South Lafourche Levee District has been empowered by L.S. R.S. 38:1054 to adopt rules and regulations for the carrying into effect and perfecting a comprehensive levee and pumping system, and

WHEREAS, it has begun construction of a levee system with borrow pits adjacent thereto, and

WHEREAS, it is necessary to restrict water traffic in the borrow pit to prevent erosion of the levee and the banks of the borrow pit, and

WHEREAS, it is necessary to prohibit travel upon the levees or levee right-of-ways to prevent damage thereto, and

WHEREAS, the right-of-ways acquired by the Levee District were for the sole purpose of constructing and maintaining a levee system thereon, and

WHEREAS, due to its steep sides, the borrow pit is dangerous and was not designed to be used as a recreational area, and

NOW, THEREFORE, BE IT ORDAINED by the South Lafourche Levee District, under authority of L.S. R.S. 38:1054, subsequent to advertisement and public hearing as required by law, that:

SECTION I: GENERAL PROVISIONS

A. The public is prohibited from use of the levee, the levee right-of-way and/or the borrow pit.

B. No unauthorized vehicles of any type or horses, cattle, etc. are to be allowed upon the levee or the levee right-of-way.

C. No unauthorized vessels of any type are to use the borrow pit.

D. This ordinance shall apply to all levees, right-of-ways and/or borrow pits located within the territorial rights of the South Lafourche Levee District.

SECTION II: VARIANCE PROCEDURES

A. Applications for variances must be presented to the

South Lafourche Levee District which shall hear and render judgment thereon.

B. Only a landowner with property abutting the levee, the right-of-way or a borrow pit may apply for a variance.

C. A variance may be granted to afford access to the property to the rear or outside of the levee system and not for travel upon the levee or in the borrow pit.

SECTION III: REVOCATION OF VARIANCE

If the South Lafourche Levee District discovers that the variance was obtained through use of false information or misrepresentation or if the landowner's activities do not comply with the rights granted under the variance, then it shall be immediately revoked and all access to use of the levee, right-of-way and/or borrow pit shall cease.

SECTION IV: PENALTIES

Use of the levee, levee right-of-way or borrow pit without a variance granted hereunder or a violation of any provisions of this ordinance shall constitute a public nuisance and shall be enjoined as such upon application to a court of competent jurisdiction.

Any such failure or other violation of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not less than \$25.00 nor more than \$100.00 or imprisonment for not less than 5 days nor more than 10 days or both.

The imposition of the fine or jail term shall not bring the offender into compliance with this ordinance, and any person found in violation shall be required to correct or remedy such violation(s) within a time specified by the South Lafourche Levee District.

SECTION V: SEVERABILITY

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose, the provisions of this ordinance are hereby declared to be severable.

SECTION VI: EFFECTIVE DATE

This ordinance shall become effective on May 14, 1984 and shall remain in force until modified, amended or rescinded by the South Lafourche Levee District.

PAGE 4 - MINUTES OF THE MAY 14, 1984 REGULAR MEETING

This ordinance having been submitted in writing, having been read and adopted by sections at a public meeting of the South Lafourche Levee District, was then submitted to an official vote as a whole, the thereon being as follows:

YEAS: 5

NAYS: 0

ABSENT: 2

ABSTAINED: 0

This ordinance was declared adopted on this 14th day of May, 1984.