

267.470 Obstructions -- Landowner liable for damage caused by him.

- (1) If any obstruction exists in any natural drain, creek or nonnavigable stream that constitutes an outlet for any public ditch, as provided in KRS 267.460, and the board considers the removal of such obstruction necessary for the successful operation of the public ditch or drain, the board may have such obstruction removed, paying the cost thereof out of funds collected from any district, ditch or drain for which it is an outlet. If it is an outlet for more than one (1), the expense shall be prorated between them in such manner as the board considers equitable.
- (2) If any repairs to any improvement or to any natural drain, creek or nonnavigable stream under the control of the board become necessary because of the act or negligence of the owner of any land through which it passes, or his servants or agents, or if the repairs are made necessary by any stock of the landowner, his servants or agents, the repairs necessary to restore it to its previous condition shall be made by such owner at his own expense. The superintendent of drainage shall notify the owner of any such obstruction. If the owner fails to remove it within thirty (30) days thereafter, the superintendent shall have it removed, paying the cost in the same manner as provided in subsection (1) of this section. Any amount so paid, with interest at the rate of six percent (6%) per annum, shall be charged to the landowner in fault, and may be recovered by the board in any court of competent jurisdiction, and shall constitute a lien upon the land that may be enforced as other liens. Any amount so recovered shall be returned to the fund from which it was paid.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2380-41, 2380-43.