

268.580 Owner to pay for damage to improvement caused by him -- No person to obstruct improvement.

- (1) If repairs to any improvement become necessary by reason of the act or negligence of any owner or his servant, agent, or stock, by which the improvement is obstructed, any repairs necessary to restore it to its previous condition shall be made by the owner at his own expense. Upon his failure to make the repairs within thirty (30) days after being notified by the board, he shall be deemed guilty of a misdemeanor.
- (2) The board may have the obstruction removed, paying the cost out of funds collected from any district for which it is an outlet or of which it is a part, and if there is more than one the expense shall be prorated between them. All amounts so paid with interest at the rate of six percent (6%) per annum shall be charged to the owner in fault, and may be recovered by the board in any court of competent jurisdiction, and shall constitute a lien upon the land of such owner. When any such amount is recovered it shall be returned to the fund from which it was paid.
- (3) No person shall damage or in any way obstruct any drain, levee or other improvement, or place any flood gate, bridge or fence across it without consent of the board, by order entered upon its record, in which shall be specified the kind of flood gate, bridge or fence, and it shall be erected in accordance with the order.
- (4) The board shall enforce the provisions of this section.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2380b-53.