

**267.390 Maintenance of improvements -- Maintenance assessments.**

- (1) Except as otherwise provided in this chapter, all improvements made under this chapter, as well as all public ditches or drains established or constructed under pre-existing laws, shall be under the control and supervision of the board having jurisdiction of the proceedings for the establishment and construction thereof. The board shall keep all such improvements open, free from obstruction and in good repair. For that purpose the board may employ persons and teams, and lease, rent, hire or purchase machinery.
- (2) For the purpose of providing funds to pay the compensation of the employees of the board, outside of that portion to be paid out of the original assessment on any district, and for the purpose of paying the expense of repairing, keeping open and looking after the various improvements under the charge of the board, the land in each district established under this chapter, as well as the land assessed for each public ditch or system of drainage established under pre-existing laws, shall be assessed in proportion to the original assessment made against the land for the original improvement, except that where a district has been established diverting the course of water, the board may, in order to relieve land taxed and from which water has been diverted, use funds of the district in maintaining the original watercourse.
- (3)
  - (a) Except as provided in paragraph (b) of this subsection, no assessment in any one (1) year for the purposes prescribed in subsection (2) of this section shall exceed ten percent (10%) of the original assessment against the land, and no more than one (1) assessment shall be made in any one (1) year.
  - (b) In counties having seventy-five (75) or more separate drainage districts or in counties availing themselves of the provisions of this subsection as provided in KRS 267.495, when a petition signed by a majority of the landowners in any drainage district is filed with and approved by the drainage commissioner, the latter may levy a maintenance assessment not exceeding thirty percent (30%) of the original assessment against the land. The number of assessments which may be levied shall be limited as follows: Where the assessment is ten percent (10%) but not over fifteen percent (15%) no more than one assessment may be levied during any eighteen (18) month period; where the assessment is sixteen percent (16%) but not over twenty percent (20%) no more than one assessment may be levied during any two (2) year period; where the assessment is twenty-one percent (21%) but not over twenty-five percent (25%) no more than one assessment may be levied during any two-and-one-half (2 1/2) year period; and where the assessment is thirty percent (30%) but not less than twenty-six percent (26%) no more than one assessment may be levied during any three (3) year period.
  - (c) No assessment shall be made until the board has prepared an assessment roll, in duplicate, stating the name of the owners of the land to be affected, and the amount proposed to be assessed against each tract of land. Both the assessment roll and the duplicate shall be signed by the president and secretary of the board. The original shall be kept on file in the office of the board and the duplicate shall be filed with the collector of the assessment. These

additional assessments shall have the same effect as original assessments and be collected in the same manner. They shall be kept separate and deposited with the treasurer, who shall keep the accounts for each district separate. Each warrant drawn shall specify out of which account it shall be paid.

- (4) The board may compromise and settle, upon such terms and conditions as it deems proper, any maintenance assessment made, levied or assessed prior to February 17, 1936, and may do everything necessary to release and discharge any claim, demand or lien upon land established, made or claimed prior to February 17, 1936, under or by reason of any such maintenance assessment.

**Effective:** June 21, 1974

**History:** Amended 1974 Ky. Acts ch. 386, sec. 54, effective June 21, 1974. -- Amended 1956 Ky. Acts ch. 235, sec. 4, effective May 18, 1956. -- Amended 1944 Ky. Acts ch. 41, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2380-7, 2380-39.