

CHAPTER 19
Drainage Districts Under 1920 Act

ARTICLE 1
General Provisions

SECTION 49-19-10. Chapter declared to be remedial; construction.

This chapter is declared to be remedial in character and purpose and shall be liberally construed in carrying out this legislative intent and purpose.

HISTORY: 1962 Code Section 18-401; 1952 Code Section 18-401; 1942 Code Section 6210; 1932 Code Section 6210; Civ. C. '22 Section 3264; 1920 (31) 663.

SECTION 49-19-20. Provisions of chapter cumulative.

This chapter shall be construed to be cumulative to other laws of this State relating to the organization or incorporation of levee or drainage districts.

HISTORY: 1962 Code Section 18-402; 1952 Code Section 18-402; 1942 Code Section 6209; 1932 Code Section 6209; Civ. C. '22 Section 3263; 1920 (31) 663.

SECTION 49-19-30. "Owner" defined.

The word "owner" as used in this chapter shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, trustees or mortgagees, who shall not be counted and need not be notified by publication or served by process but shall be represented by the present owner of the freehold estate in any proceedings under this chapter.

HISTORY: 1962 Code Section 18-403; 1952 Code Section 18-403; 1942 Code Section 6193; 1932 Code Section 6193; Civ. C. '22 Section 3247; 1920 (31) 663.

SECTION 49-19-40. "Land" defined.

The term "land" or "lands" as used in this chapter shall be held to cover and include railroads and all property assessed for benefits.

HISTORY: 1962 Code Section 18-404; 1952 Code Section 18-404; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-50. Designation of subdrainage districts.

If any drainage district or districts organized or established under the provisions of this chapter shall be within the boundaries of a district or districts theretofore established under any law of this State the district or districts last organized and established shall be designated as subdrainage districts.

HISTORY: 1962 Code Section 18-405; 1952 Code Section 18-405; 1942 Code Section 6178; 1932 Code Section 6178; Civ. C. '22 Section 3232; 1920 (31) 663.

SECTION 49-19-60. Bonds required by chapter.

The surety required on any bond required to be given by this chapter may be a surety or bonding company approved by the board of supervisors and the bond shall be made payable to the district by its corporate name, in which name all suits shall be instituted and prosecuted. All penalties herein named shall be payable to and recoverable by the district. All bonds required by this chapter shall cover defaults of deputies, clerks or assistants of the officers appointing them.

HISTORY: 1962 Code Section 18-406; 1952 Code Section 18-406; 1942 Code Section 6188; 1932 Code Section 6188; Civ. C. '22 Section 3242; 1920 (31) 663.

SECTION 49-19-70. Abatement of actions; revival.

No action under the provisions of this chapter shall abate by reason of the death or disability of any party to any proceeding but upon suggestion of such death or disability the cause shall be immediately revived in the name of the heirs, devisees or legal representatives of such party and summons shall be served on such heirs, devisees or legal representatives at least five days before the day set for hearing the cause. If the heirs, devisees or legal representatives of the deceased party are nonresidents notice by publication shall be given them in the manner and for the time provided for in Sections 49-19-250 and 49-19-260 and the cause shall then proceed in all respects as in the case of the original parties being in court. This section shall not be construed to limit the notice provided for in Sections 49-19-250 and 49-19-260 to nonresidents.

HISTORY: 1962 Code Section 18-407; 1952 Code Section 18-407; 1942 Code Section 6189; 1932 Code Section 6189; Civ. C. '22 Section 3243; 1920 (31) 663.

SECTION 49-19-80. Appeal shall not act as supersedeas.

No appeal from any action of the circuit court had under this chapter shall be permitted to act as a supersedeas or to delay any action or the prosecution of any work begun under the provisions of this chapter.

HISTORY: 1962 Code Section 18-408; 1952 Code Section 18-408; 1942 Code Section 6190; 1932 Code Section 6190; Civ. C. '22 Section 3244; 1920 (31) 663.

SECTION 49-19-90. Obstruction of or injury to drainage works.

Whoever shall wilfully obstruct any canal, drain, ditch or watercourse or shall damage or destroy any drainage works constructed under the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars or be confined in the county jail for a period not exceeding six months and in addition thereto shall be liable to the district or the person or persons injured for double the cost of removing such obstruction or repairing such damage and for the full amount of injury occasioned to any lands, crops or other property by reason of such misconduct.

HISTORY: 1962 Code Section 18-409; 1952 Code Section 18-409; 1942 Code Section 6207; 1932 Code Section 6207; Civ. C. '22 Section 3261; Cr. C. '22 Section 118; 1920 (31) 663.

SECTION 49-19-100. Drainage districts may be used for insuring watershed conservation.

Drainage districts created by authority of this chapter may be used as the agencies within this State for insuring watershed conservation within the districts. In addition to the general powers of the board of supervisors of the drainage district, as set out in Section 49-19-1440, boards of supervisors of drainage districts shall, under the same provisions of law, authorize the development and execution of plans and programs relating to any phase of conservation of water, water usage, flood prevention, flood control, erosion prevention and control of erosion, floodwater and sediment damages, and also make provision for constructing such works and improvements as they believe necessary to insure the conservation and storage of water within the districts.

HISTORY: 1962 Code Section 18-410; 1960 (51) 1570.

SECTION 49-19-110. Drainage districts may enter into agreements with other agencies.

Drainage districts providing for the storage, conservation, utilization and disposal of water by authority of Section 49-19-100 may cooperate and enter into agreements with, and receive financial and other assistance from State agencies and political subdivisions of the State, including soil and water conservation districts as authorized by Chapter 9 of Title 48, and other organizations created under State laws, and the

government of the United States and agencies thereof to carry out the purposes of Section 49-19-100, and may enter into agreements with and accept contributions from private landowners for the purposes of Section 49-19-100. Any action taken by the drainage districts regarding the storage, conservation, utilization and disposal of water within the districts shall be subject to the approval of the local soil and water conservation district.

HISTORY: 1962 Code Section 18-411; 1960 (51) 1570.

ARTICLE 3 Procedure to Establish District

SECTION 49-19-210. Persons by whom and for what purpose districts may be formed.

The State Department of Administration or a majority, either in numbers or in acreage, of the holders of any contiguous body of swamp, wet or overflowed lands or lands subject to overflow, situate in one or more counties in this State, may form a drainage district for the purpose of having such lands reclaimed and protected from the effects of water, for sanitary or agricultural purposes or when the same may be conducive to the public health, convenience or welfare or of public utility or benefit, by drainage or otherwise.

HISTORY: 1962 Code Section 18-421; 1952 Code Section 18-421; 1942 Code Section 6157; 1932 Code Section 6157; Civ. C. '22 Section 3211; 1920 (31) 663; 1932 (37) 1253.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

SECTION 49-19-220. Petition for formation.

For that purpose the Department of Administration or a majority of the owners or the owners of a majority of the acreage of such lands may make and sign a petition in which shall be stated:

- (1) The name of the proposed drainage district;
- (2) The number of years the district is to continue;
- (3) The boundaries of the proposed district;
- (4) The names so far as known and the last post-office addresses of the owners of lands in the district together with the approximate number of acres owned by each and if the name or post-office address of the owner of any of such lands is unknown to the petitioners that fact shall be set out in the petition; and
- (5) That the owners of the lands within the district whose names are subscribed to the petition are willing to and do obligate and bind the lands owned by them situated in the proposed drainage district to pay the tax or taxes which may be assessed against their respective lands to pay the expense of organizing and of making and maintaining the improvements that may be necessary to effect the reclamation of such lands so formed into a drainage district and to drain and protect them from the effects of water;

And the petition shall contain a prayer asking that the lands described therein be declared a drainage district under the provisions of this chapter. The petition may be signed by the Board or by a majority of the owners or the owners of a majority of the acreage of the lands or by both the Board and such owners of lands. After the petition has been so signed it shall be filed in the office of the clerk of the court of common pleas of the county in which such lands or the greater part thereof are situate.

HISTORY: 1962 Code Section 18-422; 1952 Code Section 18-422; 1942 Code Section 6157; 1932 Code Section 6157; Civ. C. '22 Section 3211; 1920 (31) 663; 1932 (37) 1253.

Code Commissioner's Note

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of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

SECTION 49-19-230. Necessity of election.

No drainage district shall be formed, no levy of assessments had and no bonds issued under the provisions of this chapter until an election thereon has been had under the direction of the commissioners of election in the county in which the drainage district is proposed to be formed, taxes levied or bonds issued, after giving at least twenty-one days' public notice of such election, fully stating the territory to be embraced in the district to be formed and the additional amount of taxes to be levied or the amount of bonds to be issued and also giving the names of the managers to hold such election and the place of such election. No district shall be formed, no taxes assessed and levied and no bonds issued unless a majority of the freeholders within the district owning a majority of the land to be embraced in the district vote in favor of the forming of the district and the assessment and levy of taxes or the issuance of bonds.

HISTORY: 1962 Code Section 18-423; 1952 Code Section 18-423; 1942 Code Section 6157; 1932 Code Section 6157; Civ. C. '22 Section 3211; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-240. Approvals or consents prerequisite to formation or consolidation.

No drainage district shall be established or consolidated under any provisions of this chapter until there shall have been first obtained the written approval or consent of a majority of the owners or the owners of a majority in acreage of the lands within the district, such written approval or consent to be evidenced by the signing of the petition or otherwise.

HISTORY: 1962 Code Section 18-424; 1952 Code Section 18-424; 1942 Code Section 6159; 1932 Code Section 6159; Civ. C. '22 Section 3213; 1920 (31) 663.

SECTION 49-19-250. Notice of filing of petition.

Immediately after such petition shall have been filed, the clerk in whose office it has been filed shall give notice by causing publication to be made once a week for four consecutive weeks in some newspaper published in each county in which the lands referred to in the petition are situate, the last publication to be not less than twenty days before the appearance day fixed in the notice.

HISTORY: 1962 Code Section 18-425; 1952 Code Section 18-425; 1942 Code Section 6158; 1932 Code Section 6158; Civ. C. '22 Section 3212; 1920 (31) 663.

SECTION 49-19-260. Form of notice.

The notice shall be substantially in the following form which shall be deemed sufficient for all purposes of this chapter:

Notice of Application to Form a Drainage District. —Notice is hereby given to all persons interested in the following described lands in _____ County, South Carolina, viz.: (here describe the property as set out in the petition), that a petition asking that the foregoing lands be formed into a drainage district under Chapter 19 of Title 49 of the Code of Laws of South Carolina has been filed in this office and that the foregoing lands will be affected by the formation of such drainage district and rendered liable to assessment for the purpose of paying the expenses of organization and making and maintaining the improvements that may be necessary to effect the reclamation of the lands included in such district and you and each of you are hereby notified to appear on the ____ day of _____ at the office of the clerk of the court of common pleas of _____ County and show cause, if any there be, why such drainage district as set forth in such petition shall not be organized as a public corporation of the State of South Carolina.

Date of first publication _____, 19____, clerk of the court of common pleas of _____ County, South Carolina.

HISTORY: 1962 Code Section 18-426; 1952 Code Section 18-426; 1942 Code Section 6158; 1932 Code Section 6158; Civ. C. '22 Section 3212; 1920 (31) 663.

SECTION 49-19-270. Evidence of publication of notice.

The certificate of the clerk or the affidavit of another, with a copy of such notice affixed, showing that the notice has been published as required by this chapter, shall be sufficient evidence of such fact.

HISTORY: 1962 Code Section 18-427; 1952 Code Section 18-427; 1942 Code Section 6158; 1932 Code Section 6158; Civ. C. '22 Section 3212; 1920 (31) 663.

SECTION 49-19-280. Jurisdiction of court.

The court of common pleas of the county in which any such petition has been filed shall thereafter maintain and have original and exclusive jurisdiction, coextensive with the boundaries and limits of the proposed district, without regard to county lines, for all purposes of this chapter.

HISTORY: 1962 Code Section 18-428; 1952 Code Section 18-428; 1942 Code Section 6158; 1932 Code Section 6158; Civ. C. '22 Section 3212; 1920 (31) 663.

SECTION 49-19-290. Hearing of objections.

Any owner of lands in the proposed district who may not have signed the petition may appear on or before the appearance day stated in the notice and advocate or resist the organization and incorporation of such drainage district. If he shall desire to resist the establishment of the district he shall file his objection in writing, stating therein his reasons why the drainage district should not be formed or why his lands should not be included therein or he may deny the statements in the petition. Such objections, if any there be, shall be heard by the court either in open court or at chambers within or without the county or counties in which the lands lie in a summary manner without unnecessary delay on a day to be named by the court or judge thereof upon application of the petitioners or any of those signing the petition. The hearing may be adjourned from time to time for good cause shown.

HISTORY: 1962 Code Section 18-429; 1952 Code Section 18-429; 1942 Code Section 6159; 1932 Code Section 6159; Civ. C. '22 Section 3213; 1920 (31) 663.

SECTION 49-19-300. Decision of court on hearing.

Upon the hearing of the objections, if any have been filed, if the court shall be of the opinion that the establishment of the drainage district and the improvements to be made thereunder will be for the advantage of the owners of the real property therein or that it would be in the interest of the public health, convenience or welfare, he shall overrule the objections and, in case all such objections are overruled or in case no such objections have been filed, the court thereupon shall by its order duly entered of record declare and decree the proposed drainage district a public corporation of this State for a term not exceeding the time mentioned in the petition. If the court finds that the lands set out in the petition should not be incorporated into a drainage district it shall dismiss the proceedings and adjudge the costs against the petitioners in proportion to the acreage represented by each.

HISTORY: 1962 Code Section 18-430; 1952 Code Section 18-430; 1942 Code Section 6159; 1932 Code Section 6159; Civ. C. '22 Section 3213; 1920 (31) 663.

SECTION 49-19-310. Right of individual petitioner to dismissal; amendment of petition.

No person who signed the petition shall have the right to have such proceedings dismissed as to him without the written consent of the majority in acreage of the owners who signed the petition. The petition may be amended as any other pleading.

HISTORY: 1962 Code Section 18-431; 1952 Code Section 18-431; 1942 Code Section 6159; 1932 Code Section 6159; Civ. C. '22 Section 3213; 1920 (31) 663.

SECTION 49-19-320. Transmittal and filing of order establishing district.

Immediately after the district has been declared a corporation by the court the clerk thereof shall transmit to the Secretary of State a certified copy of the findings and decree of the court incorporating the district and such copy shall be filed in the office of the Secretary of State. A copy of such findings and decree together with a plat of the district showing the outside boundary lines shall also be filed in the office of the clerk of the court of common pleas in each of the counties having land in the district, where such copy shall become a permanent record, and each such clerk shall receive a fee of one dollar for filing and preserving it.

HISTORY: 1962 Code Section 18-432; 1952 Code Section 18-432; 1942 Code Section 6159; 1932 Code Section 6159; Civ. C. '22 Section 3213; 1920 (31) 663.

ARTICLE 5

Board of Supervisors; Officers and Employees

SECTION 49-19-510. Calling meeting to elect board of supervisors.

Within twenty days after any drainage district shall have been organized and incorporated under the provisions of Article 3 of this chapter the clerk of the court in which the petition has been filed shall, upon giving notice by causing publication thereof to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situate, the last insertion to be not less than ten nor more than fifteen days before the day of such meeting, call a meeting of the owners of the lands situate in the district at a day and hour specified at some public place in the county in which the district was organized for the purpose of electing a board of three supervisors, to be composed of owners of lands in the district, two of whom at least shall be residents of the county or counties in which such district is situate or some adjoining county.

HISTORY: 1962 Code Section 18-441; 1952 Code Section 18-441; 1942 Code Section 6160; 1932 Code Section 6160; Civ. C. '22 Section 3214; 1920 (31) 663.

SECTION 49-19-520. Conduct of meeting to elect supervisors.

The landowners when assembled shall organize by the election of a chairman and a secretary of the meeting who shall conduct the election. At such election each and every acre of land in the district shall represent one share and each owner shall be entitled to one vote in person or by proxy in writing duly signed for every acre of land owned by him in such district. The three persons receiving the highest number of votes shall be declared elected as supervisors. The landowners shall at such election determine the length of the terms of each supervisor so elected by them, which shall be, respectively, one, two and three years, and they shall serve until their successors shall have been elected and qualified. The State Department of Administration at any such meeting may represent the State and shall have the right to vote for supervisors or upon any matter that may come properly before the meeting to the extent of the acreage owned by the State in such district. Such vote may be cast by any person designated by the Board. At such meeting guardians may represent their wards, executors and administrators may represent estates of deceased persons and private corporations may be represented by their officers or duly authorized agents.

HISTORY: 1962 Code Section 18-442; 1952 Code Section 18-442; 1942 Code Section 6160; 1932 Code Section 6160; Civ. C. '22 Section 3214; 1920 (31) 663.

Code Commissioner's Note

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of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

SECTION 49-19-530. Quorum at meeting to elect supervisors; procedure if quorum is not present.

The owners of a majority of the acreage included in the district shall be necessary to constitute a quorum for the purpose of holding such election or any election thereafter and in case the owners of a majority of the acreage included in such district are not present in person or duly represented at the time and place stated in the notice calling such meeting then no election shall be held and notice of such failure shall be given in writing by any person interested to the State Director of the Department of Administration which shall, as soon as practicable, appoint three competent persons who own land in such district as such supervisors for the term of one, two and three years, respectively, and to hold their office until their successors are elected or appointed and qualified.

HISTORY: 1962 Code Section 18-443; 1952 Code Section 18-443; 1942 Code Section 6160; 1932 Code Section 6160; Civ. C. '22 Section 3214; 1920 (31) 663.

Code Commissioner's Note

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SECTION 49-19-540. Removal or vacancy in office of appointed supervisor.

Any such supervisor so appointed by the State Director of the Department of Administration may be removed by the Director of the Department of Administration for dishonesty, incompetency or failure to perform the duties imposed upon him by this chapter and any vacancies which may occur in any such office so filled by appointment shall be filled by the Director of the Department of Administration as soon as practicable.

HISTORY: 1962 Code Section 18-444; 1952 Code Section 18-444; 1942 Code Section 6160; 1932 Code Section 6160; Civ. C. '22 Section 3214; 1920 (31) 663.

Code Commissioner's Note

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SECTION 49-19-550. Annual elections of supervisors.

Every year in the same month after the time for the election of the first board of supervisors they shall call a meeting of the landowners in the district in the same manner as is provided for in Section 49-19-510 and the owners of land in such district shall meet at the stated time and place and elect one supervisor therefor or, in case of their failure so to elect, the Director of the Department of Administration shall appoint such supervisor, in like manner as prescribed in Section 49-19-530, who shall hold his office for three years or until his successor is elected and qualified.

HISTORY: 1962 Code Section 18-445; 1952 Code Section 18-445; 1942 Code Section 6161; 1932 Code Section 6161; Civ. C. '22 Section 3215; 1920 (31) 663.

Code Commissioner's Note

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SECTION 49-19-560. Vacancy in office of elected supervisors.

In case of a vacancy in an office of supervisor elected by the landowners the remaining supervisors or, if they fail to act within thirty days, the State Director of the Department of Administration may fill such vacancy until the next annual meeting when a successor shall be elected for the unexpired term.

HISTORY: 1962 Code Section 18-446; 1952 Code Section 18-446; 1942 Code Section 6161; 1932 Code Section 6161; Civ. C. '22 Section 3215; 1920 (31) 663.

Code Commissioner's Note

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SECTION 49-19-570. Oath of supervisors.

Each supervisor before entering upon his official duties shall take and subscribe to an oath before some officer authorized by law to administer oaths that he will honestly, faithfully and impartially perform the duties devolving upon him in office as supervisor of the drainage district in which he was elected or appointed and that he will not neglect any of the duties imposed upon him by this chapter.

HISTORY: 1962 Code Section 18-447; 1952 Code Section 18-447; 1942 Code Section 6162; 1932 Code Section 6162; Civ. C. '22 Section 3216; 1920 (31) 663.

SECTION 49-19-580. Organization of board of supervisors; secretary; seal; records.

The board of supervisors immediately after their election or appointment shall meet at some convenient place and choose one of their number president of the board and elect some suitable person secretary, who may or may not be a member of the board and who may be required to execute bond for the faithful performance of his duties as the board of supervisors may require. The board may adopt a seal with a suitable device and shall keep a record of all its proceedings in a substantially bound book to be kept for the purpose, which shall be open to inspection by any interested person, his agent or attorney.

HISTORY: 1962 Code Section 18-448; 1952 Code Section 18-448; 1942 Code Section 6163; 1932 Code Section 6163; Civ. C. '22 Section 3217; 1920 (31) 663.

SECTION 49-19-590. Annual report of supervisors.

The board of supervisors shall report to the landowners at the annual meeting held under the provisions of Section 49-19-550 what work has been done, either by engineers or otherwise.

HISTORY: 1962 Code Section 18-449; 1952 Code Section 18-449; 1942 Code Section 6163; 1932 Code Section 6163; Civ. C. '22 Section 3217; 1920 (31) 663.

SECTION 49-19-600. Compensation and expenses of supervisors.

The members of the board shall receive their actual expenses incurred in attending the meetings of the board and for attending any business for and in behalf of the district. Any such expense account shall be audited by the board before payment but the board shall receive no compensation for their services unless the landowners at the annual meeting shall determine to pay a compensation which in no event shall exceed five dollars per day for the time actually engaged in work for the district and five cents per mile for mileage not to exceed one hundred miles actually traveled. Mileage, if allowed, shall in no case exceed one hundred miles and shall be in lieu of all other expenses in attending sessions of the board; provided, however, that if the secretary be a member of the board he shall be entitled to compensation as provided in Section 49-19-730.

HISTORY: 1962 Code Section 18-450; 1952 Code Section 18-450; 1942 Code Section 6163; 1932 Code Section 6163; Civ. C. '22 Section 3217; 1920 (31) 663.

SECTION 49-19-610. Appointment of chief engineer; assistants.

Within thirty days after organizing, the board of supervisors shall appoint a chief engineer, who may be an individual, copartnership or corporation and who shall engage such assistants as the board of supervisors may approve.

HISTORY: 1962 Code Section 18-451; 1952 Code Section 18-451; 1942 Code Section 6164; 1932 Code Section 6164; Civ. C. '22 Section 3218; 1920 (31) 663.

SECTION 49-19-620. Bond of chief engineer.

Such chief engineer shall enter into a bond with good surety, in a sum to be named by the board, conditioned that he will faithfully and honestly perform all the duties required of him by the supervisors and deliver to his successor all instruments, papers, maps, documents and other things that may have come into his hands by virtue of his employment. The bond and the surety thereon shall be approved by the board.

HISTORY: 1962 Code Section 18-452; 1952 Code Section 18-452; 1942 Code Section 6164; 1932 Code Section 6164; Civ. C. '22 Section 3218; 1920 (31) 663.

SECTION 49-19-630. Duties and powers of chief engineer.

The chief engineer shall have control of the engineering work in the district and he may, whenever he deems it necessary, confer with the Chief Engineer of this State or the State Department of Administration and he may, by and with the consent of the board of supervisors, consult any eminent engineer or engineers and obtain his or their opinion and advice concerning the reclamation of lands in the district.

HISTORY: 1962 Code Section 18-453; 1952 Code Section 18-453; 1942 Code Section 6164; 1932 Code Section 6164; Civ. C. '22 Section 3218; 1920 (31) 663.

Code Commissioner's Note

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SECTION 49-19-640. Annual report of chief engineer.

The chief engineer shall make a report in writing to the board of supervisors once every twelve months and oftener if the board shall so require.

HISTORY: 1962 Code Section 18-454; 1952 Code Section 18-454; 1942 Code Section 6165; 1932 Code Section 6165; Civ. C. '22 Section 3219; 1920 (31) 663.

SECTION 49-19-650. District treasurer; appointment, duties, and compensation.

The board of supervisors in any drainage district shall select and appoint some competent person as treasurer of such district who shall receive and receipt for all the drainage taxes collected by the county treasurer or treasurers and shall also receive and receipt for the proceeds of all tax sales made under the provisions of this chapter. The district treasurer shall receive such compensation as may be fixed by the board of supervisors.

HISTORY: 1962 Code Section 18-455; 1952 Code Section 18-455; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-660. Bond of district treasurer.

The district treasurer shall give bond in such amount as shall be fixed by the board of supervisors, conditioned that he will well and truly account for and pay out, as provided by law, all moneys received by him as taxes from the county treasurer or treasurers and the proceeds from tax sales for delinquent taxes and from any other source whatever for the account of the district. Such bond shall be signed by at least two sureties or by some surety or bonding company approved and accepted by the board of supervisors and such bond shall be in addition to the bond for the proceeds of sales of bonds required in Section 49-19-2150. The bond shall be placed and remain in the custody of the president of the board of supervisors and shall be kept separate from all papers in the custody of the secretary or district treasurer.

HISTORY: 1962 Code Section 18-456; 1952 Code Section 18-456; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-670. Attorney for district.

The board of supervisors within thirty days after organizing shall employ an attorney to act for the district and to advise the board. Such employment shall be evidenced by an agreement in writing which, as far as possible, shall specify the amount to be paid to the attorney for all services and expenses. Such attorneys shall conduct all legal proceedings and suits in court when the district is a party or interested and shall in all legal matters advise the board of supervisors and all officers, employees or agents of the district and board and generally look after and attend to all matters of a legal nature for the board and district. When the board may deem it necessary they may, by and with the advice of their attorney and under the like terms and conditions as above set forth employ another attorney or attorneys.

HISTORY: 1962 Code Section 18-457; 1952 Code Section 18-457; 1942 Code Section 6183; 1932 Code Section 6183; Civ. C. '22 Section 3237; 1920 (31) 663.

SECTION 49-19-680. Overseers for maintenance.

For the purpose of preserving any ditch, drain, dyke, levee or other work constructed or erected under the provisions of this chapter the board of supervisors may appoint an overseer or overseers of the district who shall hold their positions at the will of the board. Such overseer or overseers shall keep the canals, ditches, drains, levees, dykes and other works of the district in good repair, remove all obstructions from canals, ditches, drains or watercourses within or without the district that may affect the works of the district and perform such other duties as may be prescribed by the supervisors.

HISTORY: 1962 Code Section 18-458; 1952 Code Section 18-458; 1942 Code Section 6195; 1932 Code Section 6195; Civ. C. '22 Section 3249; 1920 (31) 663.

SECTION 49-19-690. Officers and employees subject to removal.

The board of supervisors may at any time remove any officer, attorney, chief engineer or other employee appointed or employed by the board.

HISTORY: 1962 Code Section 18-459; 1952 Code Section 18-459; 1942 Code Section 6202; 1932 Code Section 6202; Civ. C. '22 Section 3256; 1920 (31) 663.

SECTION 49-19-700. Offices; supplies.

The board of supervisors shall furnish the secretary and the district treasurer with necessary office room, furniture, stationery, maps, plats, typewriter and postage.

HISTORY: 1962 Code Section 18-460; 1952 Code Section 18-460; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-710. Deputy secretary or treasurer.

The secretary and the district treasurer, or either of them, may appoint, by and with the advice and consent of the board of supervisors, one or more deputies as may be necessary.

HISTORY: 1962 Code Section 18-461; 1952 Code Section 18-461; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-720. Records of board of supervisors.

The board of supervisors of any district organized under this chapter shall cause to be kept a well-bound book entitled "Record of Board of Supervisors of _____ District" in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and any and all corporate acts. Such record shall at all times be open to the inspection of anyone interested, whether taxpayer or bondholder.

HISTORY: 1962 Code Section 18-462; 1952 Code Section 18-462; 1942 Code Section 6184; 1932 Code Section 6184; Civ. C. '22 Section 3238; 1920 (31) 663.

SECTION 49-19-730. Compensation of district officers and employees and county and court officers.

The board of supervisors, except when otherwise provided, shall by resolution at the time of hiring or appointing provide for the compensation for work done and necessary expense incurred by any officer, engineer, attorney or other employee and shall also pay the fees, per diem and necessary expenses of all court and county officers who may by virtue of this chapter render service to the district. The ordinary fee statute shall not apply to services rendered under this chapter by any county officer but each such officer shall receive only a reasonable compensation for services actually rendered, which shall be fixed by the court in which the proceeding is pending, except when otherwise provided in this chapter. The drainage district or petitioners for such corporations may prepare, write or print all copies of petitions, writs, orders and decrees or other papers and furnish them to the clerk or other officer for his use and in such event the officer shall be entitled to receive as compensation for issuing such writs and copies of petitions, decrees, orders or other papers only the reasonable value of the services actually rendered.

HISTORY: 1962 Code Section 18-463; 1952 Code Section 18-463; 1942 Code Section 6192; 1932 Code Section 6192; Civ. C. '22 Section 3246; 1920 (31) 663.

ARTICLE 7

Plan of Reclamation; Assessment of Benefits and Damages

SECTION 49-19-910. Survey and report of engineers.

The chief engineer and the other engineers shall make all necessary surveys of the land within the boundary lines of the district as described in the petition and of all lands adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted. And the engineers shall make a report in writing to the board of supervisors, with maps and profiles of the surveys, which shall contain a full and complete plan for draining and reclaiming the lands described in the petition or adjacent thereto from overflow or damage by water, with the length, width and depth of such canals, ditches, dykes or levees or other works that may be necessary in conjunction with any canals, drains, ditches, dykes, levees or other works theretofore constructed or built by any other person or that may be in process of construction that may be necessary or which can be advantageously used in such plan for reclamation and also an estimate of the costs of carrying out and completing the plan of reclamation, including the cost of superintending the same and all incidental expenses in connection therewith. Such maps and profiles shall also indicate so far as necessary the physical characteristics of the lands and the location of any public roads, railroads and other rights of way, roadways and other property or improvements located on such lands.

HISTORY: 1962 Code Section 18-471; 1952 Code Section 18-471; 1942 Code Section 6164; 1932 Code Section 6164; Civ. C. '22 Section 3218; 1920 (31) 663.

SECTION 49-19-920. Action on engineer's report.

Upon receipt of the final report of the engineer concerning the surveys made of the lands contained in the district organized and the lands adjacent thereto and plans for reclaiming such lands the board of supervisors shall adopt such report or any modification thereof approved by the chief engineer, after consulting with him or someone representing him, and thereafter such adopted report shall be the plan for draining or reclaiming such lands from overflow or damage by waters and it shall, after such adoption, be known and designated as the "Plan of Reclamation." The plan shall be filed with the secretary of the board of supervisors and by him copied into the records of the district.

HISTORY: 1962 Code Section 18-472; 1952 Code Section 18-472; 1942 Code Section 6165; 1932 Code Section 6165; Civ. C. '22 Section 3219; 1920 (31) 663.

SECTION 49-19-930. Appointment of appraisal commissioners; quorum.

Within twenty days after the adoption of the Plan of Reclamation, the secretary of the board of supervisors shall prepare and transmit a certified copy thereof to the clerk of the court of common pleas organizing the drainage district and at such time the board of supervisors shall file with the clerk a petition asking the judge of the court to appoint three commissioners to appraise the lands within and without the district to be acquired for rights of way, holding basins and other drainage works of the district and to assess benefits and damages accruing to all lands in the district by reason of the execution of the Plan of Reclamation. Immediately after the filing of such petition the judge of the court, either in open court or at chambers within or without the county or counties in which the lands of the district lie shall, by an order, appoint three commissioners, who shall be freeholders residing within this State and who shall not be landowners in the district, nor of kin within the fourth degree of consanguinity to any person owning land in the district. A majority of the commissioners shall constitute a quorum and shall control the action of the board on all questions.

HISTORY: 1962 Code Section 18-473; 1952 Code Section 18-473; 1942 Code Section 6167; 1932 Code Section 6167; Civ. C. '22 Section 3221; 1920 (31) 663.

SECTION 49-19-940. First meeting of appraisal commissioners.

The clerk, upon the filing of such order of appointment, shall notify each of the commissioners of his appointment by written or printed notice and in such notice he shall state the time and place for the first meeting of the commissioners. The secretary of the board of supervisors or his deputy shall attend such meeting and shall furnish to the commissioners a complete list of the lands covered by the petition or adjacent thereto that will be affected by carrying out and putting into effect the Plan of Reclamation and the names of the owners of such lands as shown in the petition and the decree of the court incorporating the district. The secretary shall also furnish to the commissioners a copy of the Plan of Reclamation with the maps and profiles in his office.

HISTORY: 1962 Code Section 18-474; 1952 Code Section 18-474; 1942 Code Section 6168; 1932 Code Section 6168; Civ. C. '22 Section 3222; 1920 (31) 663.

SECTION 49-19-950. Oath and organization of appraisal commissioners.

The commissioners at such meeting, or within ten days thereafter, shall each take and subscribe an oath that they will impartially discharge their duties as such commissioners and make a true report of the work done by them. The commissioners shall also at such meeting elect one of their own number as chairman.

The secretary of the board of supervisors or his deputy shall be ex officio secretary of the board of commissioners during their continuance in office.

HISTORY: 1962 Code Section 18-475; 1952 Code Section 18-475; 1942 Code Section 6168; 1932 Code Section 6168; Civ. C. '22 Section 3222; 1920 (31) 663.

SECTION 49-19-960. Duties of appraisal commissioners.

Immediately after qualifying, as provided in Section 49-19-950, the commissioners shall begin their duties. They may at any time call upon the attorney of the district for legal advice and information relative to their duties and the chief engineer or one of his assistants shall accompany the commissioners when engaged in the discharge of their duties and shall render his opinion in writing when called for. The commissioners shall proceed to view the premises and determine the value of all lands, within or without the district, to be acquired and used for rights of way, holding basins or other works set out in the Plan of Reclamation. They shall assess the amount of benefits and the amount of damages also, if any, that will accrue to each tract or lot of land according to ownership, public highways, railroads and other rights of way from carrying out and putting into effect the Plan of Reclamation theretofore adopted.

HISTORY: 1962 Code Section 18-476; 1952 Code Section 18-476; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-970. Considerations in assessing benefits.

The commissioners in assessing the benefits to lands, public highways, railroads and other rights of way not traversed by such works and improvements as provided for in the Plan of Reclamation shall not consider what benefits will be derived by such property after other ditches, improvements or other plans for reclamation shall have been constructed but they shall assess only such benefits as will be derived from the construction of the works and improvements set out in the Plan of Reclamation or as the same may afford an outlet for drainage or protection from overflow of such property. The commissioners shall give due consideration and credit to any other canal, drain, ditch, dyke, levee or other system of reclamation which may have already been constructed and which affords partial or complete protection to any tract or parcel of land in the new district. The public highways, railroads and other rights of way shall be assessed according to the increased physical efficiency and decreased maintenance cost of roadways by reason of the protection to be derived from the proposed works and improvements.

HISTORY: 1962 Code Section 18-477; 1952 Code Section 18-477; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-980. Appraisal commissioners may not change Plan of Reclamation.

The commissioners shall have no power to change the Plan of Reclamation.

HISTORY: 1962 Code Section 18-478; 1952 Code Section 18-478; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-990. Report of appraisal commissioners.

The board of commissioners shall prepare a report of their findings which shall be arranged in tabular form the columns of which shall be headed as follows: Column one, "Owner of property assessed"; column two, "Description of property assessed"; column three, "Number of acres assessed"; column four, "Amount of benefits assessed"; column five, "Amount of damages assessed"; column six, "Number of acres to be taken for rights of way, holding basins, etc."; and column seven, "Value of property to be taken." They shall also, by and with the advice of the engineer of the district, estimate the cost of the works set out in the Plan of Reclamation. The estimate shall include the cost of property required for rights of way, holding basins and other works and damages and the probable expense of organization and administration, as

estimated by the board of supervisors, and shall tabulate the same. The report shall be signed by at least a majority of the commissioners and filed in the office of the clerk of the court of common pleas organizing such drainage district. The secretary of the board of supervisors or his deputy shall accompany the commissioners while engaged in their duties and shall perform all clerical work for the board. He shall also, under the advice, supervision and direction of the attorney for the district, prepare their report.

HISTORY: 1962 Code Section 18-479; 1952 Code Section 18-479; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-1000. Compensation and expenses of appraisal commissioners.

The board of commissioners shall report to the board of supervisors the number of days each have been employed and the actual expenses incurred. Each commissioner shall be paid a per diem for his services and necessary expenses in addition thereto.

HISTORY: 1962 Code Section 18-480; 1952 Code Section 18-480; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-1010. Procedure when report assesses benefit or damages to lands not in district.

In case the report of the commissioners shall contain assessments of benefits and damages to lands not included in the original petition as signed and filed the board of supervisors shall file in the office of the clerk a petition praying that the court grant permission for the extension of the boundary lines of the district so as to embrace all lands that will be benefited, as shown by the report of the commissioners, and after such petition has been filed it shall be proceeded with in accordance with the provisions of this chapter governing the extension of boundary lines of districts.

HISTORY: 1962 Code Section 18-481; 1952 Code Section 18-481; 1942 Code Section 6169; 1932 Code Section 6169; Civ. C. '22 Section 3223; 1920 (31) 663.

SECTION 49-19-1020. Notice of filing of report of appraisal commissioners.

Upon the filing of the report of the commissioners the clerk of the court of common pleas shall give notice thereof by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which there are lands covered by the report, the last publication to be made at least ten days before the day to be named in such notice on which exceptions may be filed.

HISTORY: 1962 Code Section 18-482; 1952 Code Section 18-482; 1942 Code Section 6170; 1932 Code Section 6170; Civ. C. '22 Section 3224; 1920 (31) 663.

SECTION 49-19-1030. Form of notice of filing of report.

It shall not be necessary for the clerk to name the parties interested but it shall be sufficient to say: Notice of Filing Commissioners' Report For _____ Drainage District. Notice is hereby given to all persons interested in the following described real estate in _____ County (or counties), in the State of South Carolina, viz.: (here give boundaries of district) included within "_____ Drainage District" that the commissioners heretofore appointed to assess benefits and damages to the property and lands situate in said drainage district and to appraise the cash value of the land necessary to be taken for rights of way, holding basins and other works of said district within or without the limits of said district filed their report in this office on the ____ day of _____, 19____, and you and each of you are hereby notified that you may examine said report and file exception to all or any part thereof on or before the first Monday in _____, 19____. First publication _____, 19____ clerk of the court of common pleas, _____ County.

HISTORY: 1962 Code Section 18-483; 1952 Code Section 18-483; 1942 Code Section 6170; 1932 Code Section 6170; Civ. C. '22 Section 3224; 1920 (31) 663.

SECTION 49-19-1040. Exceptions to report; hearing.

The board of drainage commissioners, the drainage district or any owner of land or other property to be affected and covered by the report may file exceptions to any part or all of the report of the commissioners on or before the date specified therefor in the notice published pursuant to Sections 49-19-1020 and 49-19-1030. All exceptions shall be heard and determined by the court in a summary manner so as to carry out liberally the purposes and needs of the district.

HISTORY: 1962 Code Section 18-484; 1952 Code Section 18-484; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663.

SECTION 49-19-1050. Dissolution of district if cost adjudged excessive.

If, after determining the objections made to the commissioners' report, the court shall find that the estimated costs of works and improvements as reported by the board of commissioners or as amended by the court exceed the estimated benefits, the court shall then render its decree declaring the incorporation of the district to be dissolved as soon as all costs incurred, which shall include court costs and all obligations and expenses incurred in behalf of the district by the board of supervisors, shall have been paid and if the uniform tax levied under the provisions of Section 49-19-1210 be found insufficient to pay all such costs the board of supervisors shall make such additional uniform tax levies as will be necessary to pay such deficiency. In estimating the cost of constructing the work and improvements of the district the amount of interest that might accrue upon bonds that may be issued by the board of supervisors under the provisions of this chapter shall not be considered as a part of the cost of construction.

HISTORY: 1962 Code Section 18-485; 1952 Code Section 18-485; 1942 Code Section 6191; 1932 Code Section 6191; Civ. C. '22 Section 3245; 1920 (31) 663.

SECTION 49-19-1060. Decision of court if cost adjudged not excessive.

If no exceptions are filed or if it is shown upon the hearing of all of the exceptions that the estimated cost of construction of improvements contemplated in the Plan of Reclamation is less than the benefits assessed against the lands in the district the court shall approve and confirm the commissioners' report. But if the court, upon hearing the objections filed, finds that any or all such objections should be sustained it shall order the report changed to conform with such findings and when so changed the court shall approve and confirm such report and enter its decree accordingly. The court shall adjudge and apportion the costs incurred by the exceptions filed and there shall be condemned any land or other property, within or without the boundary lines of the district, that is shown by the report of the commissioners to be needed for rights of way, holding basins or other works or that may be needed for material to be used in constructing the works, following, as nearly as possible, the procedure that is now provided for by law for the appropriation of land and other property taken for railroads.

HISTORY: 1962 Code Section 18-486; 1952 Code Section 18-486; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663.

SECTION 49-19-1070. Acceptance of assessments of damages; demand for jury.

Any property owner may accept the assessments of damages in his favor made by the commissioners or acquiesce in their failure to assess damages in his favor and shall be construed to have done so unless he gives the supervisors of the district on or before the time shall have expired for filing exceptions, as heretofore provided, notice in writing that he demands an assessment of his damages by a jury.

HISTORY: 1962 Code Section 18-487; 1952 Code Section 18-487; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663.

SECTION 49-19-1080. Appeal.

Any person or party aggrieved may appeal the final judgment of the circuit court in the manner provided by the South Carolina Appellate Court Rules.

HISTORY: 1962 Code Section 18-488; 1952 Code Section 18-488; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663; 1999 Act No. 55, Section 47.

SECTION 49-19-1090. Transmittal and filing of decree and report.

The clerk of the court of common pleas shall transmit a certified copy of the court decree and a copy of the commissioners' report, as confirmed or amended by the court, to the secretary of the board of supervisors of the district. The clerk shall also transmit a certified copy of the decree and that part of the report affecting land in each county to the clerk of the court of common pleas of each county having lands in the district or covered by the report, where it shall be filed and become a permanent record. Each such clerk shall receive a fee of one dollar for receiving, filing and preserving such decree and report.

HISTORY: 1962 Code Section 18-490; 1952 Code Section 18-490; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663.

ARTICLE 9
Preliminary Expenses

SECTION 49-19-1210. Assessment for preliminary expenses.

The board of supervisors of any drainage district organized under the provisions of this chapter may, as soon as they have organized as provided under Section 49-19-580 or at any time before the adoption of the Plan of Reclamation, levy a uniform assessment, hereinafter called a tax, of not exceeding fifty cents per acre upon each acre of land within such drainage district, as defined in the petition and decree incorporating the district, to be used for the purpose of paying expenses incurred or to be incurred in organizing the district, making surveys of the district and assessing benefits and damages and to pay other expenses necessarily incurred as may be estimated by the board and chief engineer before the funds to pay the total cost of the works and improvements of the district are available. In case the boundary lines of the district be extended under the provisions of Sections 49-19-2510 to 49-19-2550 so as to include lands not covered by the petition the same uniform assessment shall be made on such other lands as soon as they shall have been annexed and included in the district.

HISTORY: 1962 Code Section 18-501; 1952 Code Section 18-501; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1220. Time for payment of assessment; lien.

Such tax shall be due and payable as soon as assessed and become delinquent ninety days after the filing of the certificate of such assessment with the county treasurer. It shall become a lien upon the land against which it is assessed from the date of assessment and shall be collected in the same manner as the annual installment of tax.

HISTORY: 1962 Code Section 18-502; 1952 Code Section 18-502; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1230. Disposition of surplus.

In case the sum received for such assessment exceeds the total cost of items for which it has been levied the surplus shall be placed in the general fund of the district and used to pay costs of construction. But if the incorporation of the district be dissolved, as provided elsewhere in this chapter, the amount of surplus, if there be any, shall be prorated and refunded to the landowners paying such assessments.

HISTORY: 1962 Code Section 18-503; 1952 Code Section 18-503; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1240. Issuance of notes for services.

The board of supervisors may issue to any person performing work or services or furnishing anything of value in the organization of the district negotiable evidences of debt, bearing interest at not exceeding six per cent.

HISTORY: 1962 Code Section 18-504; 1952 Code Section 18-504; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1250. Borrowing for preliminary expenses.

If it shall appear necessary to obtain funds to pay any expense incurred or to be incurred in organizing the district before a sufficient sum can be obtained by the collection of such uniform tax the board of supervisors may borrow a sufficient amount of money to meet emergencies at a rate of interest not exceeding eight per cent per annum and may issue negotiable notes therefor, signed by members of the board, and may pledge any and all assessments made under the provisions of Section 49-19-1210 for the repayment thereof.

HISTORY: 1962 Code Section 18-505; 1952 Code Section 18-505; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1260. Treating preliminary expense when no preliminary assessment is made.

If no assessment for such preliminary expense is made such preliminary expense shall be included in the total cost of the works and improvements of the district.

HISTORY: 1962 Code Section 18-506; 1952 Code Section 18-506; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1270. Excessive or deficient assessments.

If it be determined that such uniform tax has been paid upon an excess of acreage, as found by the survey constituting a part of the Plan of Reclamation, the amount so paid upon such excess shall be refunded to the person paying it. And if it be determined by such survey that any landowner has been assessed upon a deficiency of acreage when the actual acreage is determined, the assessment shall be made on the difference.

HISTORY: 1962 Code Section 18-507; 1952 Code Section 18-507; 1942 Code Section 6166; 1932 Code Section 6166; Civ. C. '22 Section 3220; 1920 (31) 663; 1924 (33) 1124.

SECTION 49-19-1280. Refund of assessment.

If it shall be ascertained and determined that any tract or lot of land or parts thereof upon which the uniform tax authorized and levied as provided in Section 49-19-1210 has been paid will not be benefited by or receive any benefit from the completion of the plan for improvement then the uniform tax so paid upon such tract, lot or part thereof shall be refunded and paid to the person paying it.

HISTORY: 1962 Code Section 18-508; 1952 Code Section 18-508; 1942 Code Section 6171; 1932 Code Section 6171; Civ. C. '22 Section 3225; 1920 (31) 663.

ARTICLE 11
Construction of Improvements

SECTION 49-19-1410. Board of supervisors may carry out the Plan of Reclamation.

The board of supervisors of the district may build, construct, excavate and complete any and all works and improvements which may be needed to carry out, maintain and protect the Plan of Reclamation. To accomplish that end the board of supervisors may employ men and teams and purchase machinery, employ men to operate the same and directly have charge of and construct the works and improvements in such manner as, or by the use of other or more efficient means than, is provided for in the plans adopted. It may, in their discretion, let the contract for such works and improvements either as a whole or in sections and when such contract or contracts are let they shall be advertised and let to the lowest and best bidder who shall give a good and approved bond with ample security, conditioned that he will well and promptly carry out the contract for such work and improvements.

HISTORY: 1962 Code Section 18-521; 1952 Code Section 18-521; 1942 Code Section 6172; 1932 Code Section 6172; Civ. C. '22 Section 3226; 1920 (31) 663.

SECTION 49-19-1420. Contract for improvements.

The contract shall be in writing and to it shall be attached and made a part thereof complete plans and specifications of the work to be done and improvements to be made under such contract. The plans and specifications shall be prepared by the chief engineer and shall be incorporated in and attached to the contract. The contract shall be prepared by the attorney for the district and approved by the board of supervisors and executed by its president and the contractor in duplicate.

HISTORY: 1962 Code Section 18-522; 1952 Code Section 18-522; 1942 Code Section 6172; 1932 Code Section 6172; Civ. C. '22 Section 3226; 1920 (31) 663.

SECTION 49-19-1430. Chief engineer to be superintendent; reports.

The chief engineer shall be the superintendent of all the works and improvements and shall at least once each year, and when required, make a full report to the board of all work done and improvements made and make suggestions and recommendations to the board as he may deem proper.

HISTORY: 1962 Code Section 18-523; 1952 Code Section 18-523; 1942 Code Section 6172; 1932 Code Section 6172; Civ. C. '22 Section 3226; 1920 (31) 663.

SECTION 49-19-1440. General powers of board of supervisors.

In order to effect the drainage, protection and reclamation of the land in the district subject to the tax the board of supervisors may:

(1) Clean out, straighten, open up, widen, change the course of flow of, alter or deepen any canal, ditch, drain, river, watercourse or natural stream and concentrate, divert or divide the flow of water in or out of the district;

(2) Construct and maintain main and lateral ditches, canals, levees, dykes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and syphons and connect them or any of them with any canals, drains, ditches, levees or other works that may have been constructed by the State Department of Administration or the State of South Carolina and with any natural stream, lake or watercourse in or adjacent to the district;

(3) Build and construct any other works improvements deemed necessary to preserve and maintain the works in or out of the district;

- (4) Construct or enlarge or cause to be constructed or enlarged any and all bridges that may be needed in or out of the district across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right of way, track, grade, fill or cut;
- (5) Construct roadways over levees and embankments;
- (6) Construct any and all of such works and improvements across, through or over any public highway, railroad right of way, track, grade, fill or cut in or out of the district;
- (7) Remove any fence, building or other improvement in or out of the district;
- (8) Hold, control and acquire by donation or purchase and if need be condemn any land, easement, railroad right of way, sluice, reservoir, holding basin or franchise in or out of the district for rights of way, holding basins or for any of the purposes herein provided or for material to be used in constructing and maintaining the works and improvements for draining, protecting and reclaiming the lands in the district;
- (9) Develop, hold and control all water created by the construction of works of the district;
- (10) Construct and maintain a hydroelectric power plant or plants for the purpose of developing power for the use of the district and use any funds in the treasury of the district not otherwise appropriated for the construction and maintenance of such power plant or plants;
- (11) Lease any surplus power in excess of that required for the uses of the district, the proceeds of such lease or leases to be paid into the treasury of the district; and
- (12) Condemn for the use of the district any land or property within or without the district not acquired or condemned on the report of the commissioners assessing benefits and damages, following the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28).

HISTORY: 1962 Code Section 18-524; 1952 Code Section 18-524; 1942 Code Section 6182; 1932 Code Section 6182; Civ. C. '22 Section 3236; 1920 (31) 663; 1987 Act No. 173, Section 30.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

SECTION 49-19-1450. Payment for lands taken.

The boards of supervisors of drainage districts organized under this chapter shall not have the right to enter upon or appropriate any land for rights of way, holding basins or other works of the districts until the prices awarded to the owners of such land shall have been paid to such owners or into the hands of the appropriate clerks of the courts of common pleas for the use of such owners. If the sums awarded be not paid within five years from the date of filing the commissioners' reports all proceedings as to the taking of such property for rights of way, holding basins and other works not so paid for shall abate at the cost of the districts. Whenever any land is acquired by any district under the provisions of this chapter and the price of such property has been paid the owner by the district the title, use, possession and enjoyment of such property shall pass from the owner and be vested in the district and subject to its use, profit, employment and final disposition. The price awarded for all lands acquired by any district for rights of way, holding basins or other works and the amount of damages assessed by the board of commissioners and confirmed by the court to any tract or parcel of land or other property in the district shall be paid in cash to the owner thereof or to the clerk of the court for the use of such owner and that portion of any tract or parcel of land not taken for use for the district shall be assessed for the benefits accruing in accordance with provisions of other sections in this chapter.

HISTORY: 1962 Code Section 18-525; 1952 Code Section 18-525; 1942 Code Section 6185; 1932 Code Section 6185; Civ. C. '22 Section 3239; 1920 (31) 663.

SECTION 49-19-1460. Construction and enlargement of bridges.

All bridges constructed under the provisions of this chapter and all enlargements of bridges already in existence shall be built and enlarged according to and in compliance with the plans, specifications and orders made or approved by the chief engineer of the district.

HISTORY: 1962 Code Section 18-526; 1952 Code Section 18-526; 1942 Code Section 6186; 1932 Code Section 6186; Civ. C. '22 Section 3240; 1920 (31) 663.

SECTION 49-19-1470. Construction or enlargement of bridges when bridge or right of way of corporation affected.

If any such bridge shall belong to any corporation or be needed over a public highway or right of way of any corporation the secretary of the board of supervisors shall give such corporation notice by delivering to its agent or officer in any county wherein the district is situate a copy of the order of the board of supervisors of the district declaring the necessity for the construction or enlargement of the bridge. A failure to construct or enlarge such bridge within the time specified in such order shall be taken as a refusal to do such work by the corporation and thereupon the board of supervisors shall proceed to let the work of constructing or enlarging the bridge at the expense of the corporation for the cost thereof. Such costs shall be collected by the board of supervisors from the corporation by suit therefor if necessary. But before the board of supervisors shall let such work it shall give some agent or officer of the corporation authorized by the laws of this State to accept service of summons or upon whom service of summons for the corporation might be made at least twenty days' actual notice of the time and place of letting such work. The word "corporation" as used in this section shall include municipal corporations and counties.

HISTORY: 1962 Code Section 18-527; 1952 Code Section 18-527; 1942 Code Section 6186; 1932 Code Section 6186; Civ. C. '22 Section 3240; 1920 (31) 663.

SECTION 49-19-1480. Ditch or lateral crossing public highway.

Any drainage district may construct and maintain any ditch or lateral provided in the Plan of Reclamation across any of the public highways of this State without proceedings for the condemnation of the highway or being liable for damages therefor. Within ten days after a dredge boat or any other excavating machine shall have completed a ditch across any public highway a bridge shall be constructed and maintained over such drainage ditch where it crosses such highway.

HISTORY: 1962 Code Section 18-528; 1952 Code Section 18-528; 1942 Code Section 6186; 1932 Code Section 6186; Civ. C. '22 Section 3240; 1920 (31) 663.

ARTICLE 13

Assessment and Collection of Tax for Construction Costs; Delinquent Taxes

SECTION 49-19-1610. Levy of assessments.

After the list of lands with the assessed benefits and the decree and judgment of court have been filed in the office of the clerk of the court of common pleas, as provided in Section 49-19-1090, then the board of supervisors shall, without any unnecessary delay, levy an assessment, hereinafter called a tax, of such portion of the benefits on all lands, railroads and other property in the district to which benefits have been assessed as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements as shown in the Plan of Reclamation and in carrying out the objects of the district and in addition thereto ten per cent of such total amount for emergencies. The tax shall be apportioned to and levied on each tract of land in the district in proportion to the benefits assessed and not in excess thereof. In case bonds are issued as provided in Article 15 of this chapter the amount of the interest, as estimated by the board of supervisors, which will accrue on the bonds shall be included and added to the tax. But the interest to accrue on account of the issuing of such bonds shall not be construed

as a part of the costs of construction in determining whether or not the expenses and costs of making the improvements are or are not equal to or in excess of the benefits assessed.

HISTORY: 1962 Code Section 18-541; 1952 Code Section 18-541; 1942 Code Section 6173; 1932 Code Section 6173; Civ. C. '22 Section 3227; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-1620. Assessment of state lands.

All lands in the district belonging to the State shall be assessed to and the taxes thereon shall be paid by the State out of the funds on hand, or which may hereafter be obtained, derived from the sale of lands belonging to the State and this provision shall apply to taxes assessed for preliminary work and expenses as provided for in this chapter.

HISTORY: 1962 Code Section 18-542; 1952 Code Section 18-542; 1942 Code Section 6173; 1932 Code Section 6173; Civ. C. '22 Section 3227; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-1630. "Drainage Tax Record".

The secretary of the board of supervisors, as soon as the total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied in the form of a well-bound book which shall be endorsed and named "Drainage Tax Record of _____ Drainage District, _____ County, South Carolina." Such endorsement shall be printed or written at the top of each page in the book and shall be signed and certified by the president and the secretary of the board of supervisors, attested by the seal of the district, and shall thereafter become a permanent record in the office of the secretary.

HISTORY: 1962 Code Section 18-543; 1952 Code Section 18-543; 1942 Code Section 6173; 1932 Code Section 6173; Civ. C. '22 Section 3227; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-1640. Determination and levy of annual installments.

The board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under Section 49-19-1610, which shall become due and be collected during such year at the same time that State and county taxes are due and collected. Such annual installment and levy shall be evidenced and certified by the board not later than October 1st of each year to the county treasurer of each county in which lands and other property of the district are situated.

HISTORY: 1962 Code Section 18-544; 1952 Code Section 18-544; 1942 Code Section 6174; 1932 Code Section 6174; Civ. C. '22 Section 3228; 1920 (31) 663.

SECTION 49-19-1650. Form of certificate of installment tax.

The certificate of such installment tax shall be in substantially the following form:

State of South Carolina,

County of _____

This is to certify that by virtue and authority of the provisions of Chapter 19 of Title 49 of the Code of South Carolina the board of supervisors of _____ Drainage District of South Carolina have, and do hereby, levy the sum of \$____ as the annual installment of tax for the year 19____ of the total tax levied under the provisions of Section 49-19-1610 of said chapter which total tax has heretofore been certified to the clerk of the court of common pleas of your county. And said board of supervisors of said drainage district, by and with the authority of Section 49-19-2310 of said chapter has levied also the sum of \$____ as a maintenance tax for said year. Said annual installment of tax and maintenance tax on the real estate and other property situate in your county are set out in the following table in which are: first, the names of the owners of such lands as they appeared in the decree of the court organizing said district; second, a brief description of such lands and other property opposite the names of such owners; third, the amount of said installment of tax levied on each tract of land and other property; and fourth, the amount of maintenance

tax levied against the same. Said taxes shall be collectible and payable the present year at the same time that State and county taxes are due and collected and you are directed and ordered to demand and collect said taxes at the same time you demand and collect the State and county taxes due on the same lands and other property; and this "Drainage Tax Book" shall be your warrant and authority for making such demand and collection.

Witness the signature of the president of the board of supervisors, attested by the seal of said district, and the signature of the secretary of said board this ____ day of _____, A. D. 19__.

	President of District.
[Seal.]	
Secretary of District.	

Then shall follow a table or schedule showing in properly ruled columns: first, the names of the owners of the lands as they appeared in the decree of the court organizing the district; second, a brief description of the lands and other property opposite the names of the owners; third, the amount of the annual installment tax levied on each tract of land and other property; fourth, the amount of the maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the persons paying the several amounts. The columns in which the annual installment tax and the maintenance tax, if any, appear shall be correctly totaled and the total amount shall correspond to the amount set out in the above-mentioned certificate. The certificate and table shall be prepared in the form of a well-bound book which shall be endorsed and named "Drainage Tax Book _____ Drainage District, _____ County, South Carolina, for the year 19__."

Such endorsement shall also be printed at the top of each page in such book.

HISTORY: 1962 Code Section 18-545; 1952 Code Section 18-545; 1942 Code Section 6174; 1932 Code Section 6174; Civ. C. '22 Section 3228; 1920 (31) 663.

SECTION 49-19-1660. Collection of drainage tax.

The county treasurer of each county in which lands in any drainage district organized under this chapter are situated shall receive the Drainage Tax Book each year and shall promptly and faithfully collect the tax therein set out and exercise all due diligence in so doing. The Drainage Tax Book shall be the warrant and authority of the county treasurer for making such demand and collection.

HISTORY: 1962 Code Section 18-546; 1952 Code Section 18-546; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1670. Bond required of county treasurer.

Before receiving the Drainage Tax Book the county treasurer of each county in which lands of the drainage district are located shall execute to the board of supervisors of the district a bond, with at least two good and sufficient sureties or some surety or bonding company approved by the board, in a sum that is double the probable amount of any annual installment of the tax to be collected by him during any one year, conditioned that the county treasurer shall pay over and account for all taxes so collected by him according to law. Such bond after approval by the board of supervisors shall be deposited with the secretary of the board of supervisors, who shall be custodian thereof and who shall produce it for inspection and use as evidence whenever and wherever lawfully requested so to do.

HISTORY: 1962 Code Section 18-547; 1952 Code Section 18-547; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1680. Compensation of county treasurer.

The county treasurer shall retain for his service one per cent of the amount he collects on current taxes and two per cent of the amount he collects on delinquent taxes.

HISTORY: 1962 Code Section 18-548; 1952 Code Section 18-548; 1942 Code Section 6177; 1932 Code Section 6177; Civ. C. '22 Section 3231; 1920 (31) 633.

SECTION 49-19-1690. Segregation of drainage from other taxes or assessments.

Upon the request of the taxpayer the county treasurer shall segregate State, county and school taxes from the drainage taxes or assessments and permit such taxes or assessments to be paid at different times.

HISTORY: 1962 Code Section 18-549; 1952 Code Section 18-549; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1700. Payment when tract divided and sold or transferred during year.

When any tract or part thereof has been divided and sold or transferred the county treasurer shall receive taxes on any part of any tract, piece or parcel of land charged with such taxes and give his receipt accordingly. But the board of supervisors shall ascertain and determine the amount of such taxes to be paid by each of such owners.

HISTORY: 1962 Code Section 18-551; 1952 Code Section 18-551; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1710. Return and payment of taxes collected.

The county treasurer shall make due return of the Drainage Tax Book immediately after the 31st day of December of each year to the secretary of the board of supervisors of the drainage district and shall pay over and account for all moneys collected thereon each year to the treasurer of the district. The county treasurer shall in the Drainage Tax Book verify his return by affidavit.

HISTORY: 1962 Code Section 18-552; 1952 Code Section 18-552; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1720. Delinquent list; collection of delinquent taxes.

The secretary shall each year, within ten days after the return of the county treasurer is delivered to him, prepare and certify to the county treasurer a Drainage Tax Book containing the list of lands so returned by the county treasurer as delinquent, deliver the book to him and take his receipt therefor and the county treasurer shall proceed to collect such delinquent drainage taxes and demand payment therefor in the manner as herein provided for the collection of current drainage taxes.

HISTORY: 1962 Code Section 18-553; 1952 Code Section 18-553; 1942 Code Section 6175; 1932 Code Section 6175; Civ. C. '22 Section 3229; 1920 (31) 663; 1933 (38) 360; 1936 (39) 1747.

SECTION 49-19-1730. Penalty on delinquent drainage taxes.

All taxes provided for in this chapter remaining unpaid after December 31st of the year for which such taxes were levied shall become delinquent and bear the same penalty as provided by law for delinquent property taxes.

HISTORY: 1962 Code Section 18-554; 1952 Code Section 18-554; 1942 Code Section 6176; 1932 Code Section 6176; Civ. C. '22 Section 3230; 1920 (31) 663; 1934 (38) 1411.

SECTION 49-19-1740. Penalty for neglect of county treasurer.

If any county treasurer refuses, fails or neglects to make prompt payment of the tax or any part thereof collected under this article to the district treasurer he shall pay a penalty of ten per cent on the amount of his delinquency. Such penalty shall at once become due and payable and both he and his securities shall be liable therefor on his aforesaid bond.

HISTORY: 1962 Code Section 18-555; 1952 Code Section 18-555; 1942 Code Section 6177; 1932 Code Section 6177; Civ. C. '22 Section 3231; 1920 (31) 663.

SECTION 49-19-1750. Lien of drainage taxes; penalties and costs.

All drainage taxes provided for in this chapter, together with all penalties for default in payment thereof and all costs in collecting them, including a reasonable attorney's fee fixed by the court and taxed as costs in the action brought to enforce payment, shall, from the date of assessment thereof until paid, constitute a lien to which only the lien of the State for general State, county, school and road taxes shall be paramount upon all lands against which such taxes shall be levied as is provided in this chapter; provided, that the lien for taxes assessed or levied for the purposes of any subdrainage district, with the penalties for default in the payment thereof and all costs incurred, shall be subject to the prior lien for drainage taxes assessed or levied for the district or districts first established as well as the lien for State and county taxes and the certificates asserting such lien shall so state.

HISTORY: 1962 Code Section 18-556; 1952 Code Section 18-556; 1942 Code Section 6178; 1932 Code Section 6178; Civ. C. '22 Section 3232; 1920 (31) 663.

SECTION 49-19-1760. Form of certificate of lien.

Such lien shall be evidenced by a certificate substantially in the following form, to wit:

State of South Carolina,

County of _____

To _____, Clerk of the Court of Common Pleas of said county:

This is to certify that by virtue and authority of the provisions of Chapter 19 of Title 49 of the Code of South Carolina, the board of supervisors of _____ Drainage District, in which are situated lands in the counties of _____, in the State of South Carolina, have and do hereby certify the tax authorized by said chapter, which tax and the lands and other property against which the same are levied in your county are described in the following table, in which table are: first, the names of the owners of such land as they appeared in the decree of the court organizing said district; second, a brief description of the lands and other property opposite the names of the owners; and third, the amount of taxes levied on each tract of land or piece of property. (Here insert such table.) Said tax shall be payable in annual installments. The amount of each installment as well as the amount of the maintenance tax will be determined and certified to the county treasurer of your county not later than the first day of October of each year. The aforesaid tax and such maintenance taxes as may be levied from time to time are hereby declared a lien, to which only the lien of the State for general State, county, school and road taxes shall be paramount upon all land herein and heretofore described. Witness the signature of the president of said board of supervisors, attested by the seal of said district and the signature of the secretary of said board this ____ day of _____, A.D. 19__

		,
		President.
[Seal.]		
Attest:	,	

	Secretary.	
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HISTORY: 1962 Code Section 18-557; 1952 Code Section 18-557; 1942 Code Section 6178; 1932 Code Section 6178; Civ. C. '22 Section 3232; 1920 (31) 663.

SECTION 49-19-1770. Drainage Tax Record filed in clerk's office.

The certificate and tables specified in Section 49-19-1760 shall be prepared in a well-bound book and filed in the office of each of the clerks of the court of common pleas of the counties having lands in the district where they shall become a permanent record of the office. The book shall be prepared by the secretary of the board of supervisors at the expense of the drainage district, shall be designated as the Drainage Tax Record and each clerk shall receive a fee of one dollar for filing the book and preserving it.

HISTORY: 1962 Code Section 18-558; 1952 Code Section 18-558; 1942 Code Section 6178; 1932 Code Section 6178; Civ. C. '22 Section 3232; 1920 (31) 663.

SECTION 49-19-1780. Drainage Tax Book as prima facie evidence.

The Drainage Tax Book of the district, as returned by the county treasurer to the secretary of the board of supervisors of the drainage district, shall be prima facie evidence in all courts of all matters therein contained.

HISTORY: 1962 Code Section 18-559; 1952 Code Section 18-559; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1790. Enforcement of lien.

The liens established and declared in Section 49-19-1750 shall be enforced by an action in chancery on delinquent tax statements made and certified by the county treasurer which shall be instituted in the court of common pleas without regard to the amount of the claim within twelve months after the date such tax becomes delinquent. The suit shall be brought in the corporate name of the district by its attorney against the land or property on which such drainage tax has not been paid. The suit shall be brought in the county in which the property is situated, except when the tract or property sued upon be in more than one county in which event the suit may be brought on the whole tract in any county in which any portion thereof may be situated. The pleadings, process, proceedings, practice and sales in cases arising under this chapter shall, except as herein provided, be the same as in an action for the enforcement of other liens or mortgages upon real estate.

HISTORY: 1962 Code Section 18-560; 1952 Code Section 18-560; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1800. Sufficiency of allegations in suit to enforce lien.

In such suits it shall be sufficient to allege generally and briefly the organization of the district and the levy and nonpayment of the taxes, setting forth the descriptions of the lands proceeded against and the amount chargeable to each tract.

HISTORY: 1962 Code Section 18-561; 1952 Code Section 18-561; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1810. Inclusion of all delinquent lands in suit to enforce lien.

All or any part of such delinquent lands situate in one county may be included in one suit, instituted for the county for the collection of such delinquent taxes.

HISTORY: 1962 Code Section 18-562; 1952 Code Section 18-562; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (21) 663.

SECTION 49-19-1820. Notice of suit to enforce lien.

Notice of the pendency of such suit shall be given by publication once each week for four successive weeks before judgment is entered for the sale of such lands in some newspaper published in the county in which such suits may be pending. Such notice may be in the following form:

NOTICE

In the Court of Common Pleas, _____ County, South Carolina.	
_____, Plaintiff.	
vs.	
_____, Defendants.	

Notice is hereby given to all persons having or claiming any interest in the lands hereinafter mentioned that suit is pending in the court of common pleas of _____ County, South Carolina, to enforce the collection of certain drainage taxes on such lands situated in _____ drainage district in said county, the name or names of the owners, so far as known, having been set opposite the lands owned by them, together with the amounts severally due from each, to wit: (Here follows a list of owners, so far as can be ascertained, with a descriptive list of the delinquent lands and amounts due thereon respectively.)

Any and all persons and corporations interested in said lands or any part thereof are hereby notified that they are required by law to appear within twenty days after this notice has been published four weeks and make defense to such suit or the same will be taken for confessed and final judgment and decree will be entered directing the sale of all or any part of such lands for the purpose of collecting such taxes, together with the payment of interest, penalty and costs allowed by law, including a reasonable attorney's fee.

First publication _____ 19____, _____,
Clerk of the Court of Common Pleas,
_____ County, South Carolina.

HISTORY: 1962 Code Section 18-563; 1952 Code Section 18-563; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1830. Proceedings to enforce lien be in rem.

The proceedings and any judgment or decree that may be rendered therein shall be in the nature of proceedings in rem and it shall not be material that the ownership of the lands or other property be correctly alleged in the proceedings. The judgment or decree rendered shall be enforced wholly against such real estate.

HISTORY: 1962 Code Section 18-564; 1952 Code Section 18-564; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1840. Trial of suit to enforce lien; continuances.

All suits instituted under the preceding sections shall stand for trial as other equitable actions unless a continuance be granted for good cause shown within the discretion of the court. And such continuance, for good cause shown, may be granted as to a part of the lands or defendants without affecting the duty of the court to dispose finally of the others as to whom no continuance may be granted. All such suits may be disposed of on oral testimony.

HISTORY: 1962 Code Section 18-565; 1952 Code Section 18-565; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1850. Certain irregularities constitute no defense in suit to enforce lien.

No informality or irregularity in holding any of the meetings provided herein, the valuation or assessment of the lands, the names of the owners or the number of acres shall be a valid defense in any such suit.

HISTORY: 1962 Code Section 18-566; 1952 Code Section 18-566; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1860. Judgment in suit to enforce lien.

When no answer has been filed on or before the time for filing an answer as stated in the notice, the notice having been published as required by Section 49-19-1820 or if answer is filed and the cause shall be decided for the plaintiff the court by its decree shall grant the relief prayed for and the decree for the delinquent taxes and penalty shall include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax in the same suit. By such decree the court shall direct the sheriff to sell the land described in the complaint to the highest bidder for cash in hand at public outcry at the courthouse door of the county wherein the suit is pending after having first advertised such sale once each week for three consecutive weeks in some newspaper published in the county. Such advertisement may include all the lands described in the decree and ordered sold.

HISTORY: 1962 Code Section 18-567; 1952 Code Section 18-567; 1942 Code Sections 6179, 6180; 1932 Code Sections 6179, 6180; Civ. C. '22 Sections 3233, 3234; 1920 (31) 663.

SECTION 49-19-1870. Provision in judgment for state and county taxes.

In all judgments, decrees and orders of sale of such delinquent lands the court may make proper and equitable provision for ascertaining the amount and for the payment of all unpaid State and county taxes with the penalties and costs thereon against the lands ordered sold, to be paid either out of the proceeds of sale thereof or by the purchaser.

HISTORY: 1962 Code Section 18-568; 1952 Code Section 18-568; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1880. Sale and deeds; title; redemption.

If all the lands so advertised for sale be not sold on the day as advertised such sale shall continue from day to day until completed. The sheriff shall by proper deeds convey to the purchaser the lands so sold and the title to such land shall thereupon become vested in such purchaser as against all others whomsoever, subject, however, to the liens for all subsequent annual installments of drainage tax; provided, that any landowner shall have the right to redeem any and all lands sold at such sale within one year after the day when the lands are offered for sale. All deeds executed and delivered pursuant to this chapter shall have the same probative force as deeds executed under judicial sales in other civil actions.

HISTORY: 1962 Code Section 18-569; 1952 Code Section 18-569; 1942 Code Sections 6179, 6180; 1932 Code Sections 6179, 6180; Civ. C. '22 Sections 3233, 3234; 1920 (31) 663; 1961 (52) 43.

SECTION 49-19-1890. Sale of lands to district.

When the lands are offered for sale by the sheriff, as provided by this chapter, and the sum of the tax due, together with interest, costs and penalty, is not bid, the sheriff making such sales shall bid the whole amount due thereon as aforesaid in the name of the district and shall sell the lands to the district and execute his deed therefor, conveying to such district such lands so sold to it. Such lands may be held and disposed of by the board of supervisors as the interest of the district may demand.

HISTORY: 1962 Code Section 18-570; 1952 Code Section 18-570; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1900. Suit for collection of delinquent taxes by bondholder.

In case the district shall fail to commence suit within ninety days after the taxes have become delinquent the holder of any bond issued by the district may bring suit for the collection of the delinquent taxes. In such event the district shall be included as a defendant and the proceedings in such suit brought by any bondholder shall in all respects be governed by the provisions applicable to suits by the districts.

HISTORY: 1962 Code Section 18-571; 1952 Code Section 18-571; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1910. Disposition of proceeds of sale.

The proceeds of sale made under and by virtue of this chapter shall be paid at once to the district treasurer and shall be accounted for by him the same as the drainage taxes. Any surplus that may remain after payment of the delinquent taxes, penalties, costs and attorney fees shall be paid over to or held subject to the order of the defendants or as may be ordered in the judgment or decree of sale.

HISTORY: 1962 Code Section 18-572; 1952 Code Section 18-572; 1942 Code Section 6179; 1932 Code Section 6179; Civ. C. '22 Section 3233; 1920 (31) 663.

SECTION 49-19-1920. Lien for tax construed as equivalent to mortgage.

This chapter shall be liberally construed so as to give to the lien for drainage tax the effect of a bona fide mortgage for a valuable consideration and a first lien upon all the lands subject thereto as against all persons having an interest therein, subject only to the lien of certain other taxes as herein provided.

HISTORY: 1962 Code Section 18-573; 1952 Code Section 18-573; 1942 Code Section 6180; 1932 Code Section 6180; Civ. C. '22 Section 3234; 1920 (31) 663.

SECTION 49-19-1930. Payment of all assessments in advance.

Any person owning land assessed for the construction of any canal, ditch or other improvement under the provisions of this chapter shall have the privilege of paying such assessment to the treasurer of the board of supervisors at any time on or before a date to be fixed by the board of supervisors and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid the secretary of the board shall enter upon the Drainage Tax Record opposite each tract for which payment is made the words "paid in full" and such tax assessment shall be deemed satisfied and the secretary of the board of supervisors shall also make or cause to be made the same entry opposite each tract for which payment is made in the table included in the certificate filed in the office of the clerk of the court of common pleas under the provisions of Section 49-19-1770.

HISTORY: 1962 Code Section 18-574; 1952 Code Section 18-574; 1942 Code Section 6204; 1932 Code Section 6204; Civ. C. '22 Section 3258; 1920 (31) 663; 1934 (38) 1463; 1935 (39) 44.

SECTION 49-19-1940. Deposit of funds.

The district treasurer shall keep all funds received by him from any source whatever deposited at all times in some bank, banks or trust company to be designated by the board of supervisors. All interest accruing on such funds shall, when paid, be credited to the district.

HISTORY: 1962 Code Section 18-576; 1952 Code Section 18-576; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-1950. Payments by treasurer; form of warrants.

The treasurer of the district shall pay out funds of the district only on warrants issued by the district, such warrants to be signed by the president of the board of supervisors and attested by the signature of the secretary. All warrants shall be in the following form:

\$_____ Fund _____ No. of warrant _____ Treasurer of _____ Drainage District, State of South Carolina.

Pay to _____ dollars out of the money in _____ fund of _____ drainage district. For _____.

By order of board of supervisors of _____ Drainage District, South Carolina.

		,
		President of District.
Attest:	,	
	Secretary of District.	

HISTORY: 1962 Code Section 18-577; 1952 Code Section 18-577; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-1960. Audit and report.

The board of supervisors shall audit or have audited the books of the treasurer of the district at least once each year and make report thereof to the landowners at the annual meeting and publish a statement within thirty days thereafter, showing the amount of money received, the amount paid out during such year and the amount in the treasury at the beginning and end of the year.

HISTORY: 1962 Code Section 18-578; 1952 Code Section 18-578; 1942 Code Section 6181; 1932 Code Section 6181; Civ. C. '22 Section 3235; 1920 (31) 663.

SECTION 49-19-1970. Interest on warrants unpaid for lack of funds.

Any warrant issued under this chapter that is not paid when presented to the treasurer of the district because of lack of funds in the treasury shall be endorsed on the back to that effect and such warrant shall draw interest thereafter at the rate of six per cent per annum until such time as there is money on hand to pay the amount of such warrant and the interest then accumulated. But no interest shall be allowed on warrants after notice to the holder or holders thereof that sufficient funds are in the treasury to pay such endorsed warrants and interest.

HISTORY: 1962 Code Section 18-579; 1952 Code Section 18-579; 1942 Code Section 6187; 1932 Code Section 6187; Civ. C. '22 Section 3241; 1920 (31) 663.

ARTICLE 15
Construction Bonds

SECTION 49-19-2110. Issuance of bonds authorized; terms and execution.

The board of supervisors may, if in their judgment it seems best, issue bonds not to exceed ninety per cent of the total amount of the taxes levied under the provisions of Section 49-19-1610, in denominations of not less than one hundred dollars, bearing interest from date at a rate not to exceed six per cent per annum, payable semiannually, to mature at annual intervals within thirty years commencing after a period of years not later than ten years, to be determined by the board of supervisors, both principal and interest payable at some convenient banking house or trust company's office to be named in the bonds. Such bonds

shall be signed by the president of the board of supervisors, attested with the seal of the district and by the signature of the secretary of the board, shall show on their face the purpose for which they are issued and shall be payable out of money derived from the above-mentioned taxes.

HISTORY: 1962 Code Section 18-591; 1952 Code Section 18-591; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2120. Sale of bonds.

All of such bonds shall be executed and delivered to the treasurer of the district who shall sell them in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works and improvements in the district. The bonds shall not be sold for less than ninety-five cents on the dollar, with accrued interest.

HISTORY: 1962 Code Section 18-592; 1952 Code Section 18-592; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2130. Payment of bonds.

A sufficient amount of drainage tax shall be appropriated by the board of supervisors for the purpose of paying the principal and interest of such bonds and shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate of six per cent per annum from maturity until paid or until sufficient funds have been deposited at the place of payment and such interest shall be appropriated by the board of supervisors out of the penalties and interest collected on delinquent taxes or any other available funds of the district. Any expense incurred in paying the bonds and interest thereon and a reasonable compensation to the bank or trust company for paying them shall be paid out of other funds in the hands of the district treasurer and collected for the purpose of meeting the expenses of administration.

HISTORY: 1962 Code Section 18-593; 1952 Code Section 18-593; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2140. Levy of tax to pay bonds and interest.

The board of supervisors in making the annual tax levy, as heretofore provided, shall take into account the maturing bonds and interest on all bonds and make provision in advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of Section 49-19-1610 are not sufficient to pay the principal and interest on all bonds issued the board of supervisors shall make such additional levy or levies upon benefits assessed as are necessary for this purpose and under no circumstances shall any tax levies be made that will in any manner or to any extent impair the security of the bonds or the fund available for the payment of the principal and interest of thereof.

HISTORY: 1962 Code Section 18-594; 1952 Code Section 18-594; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2150. Additional bond of district treasurer.

The district treasurer shall, at the time of the receipt by him of such bonds, execute and deliver to the president of the board of the district a bond with good and sufficient sureties to be approved by the board, conditioned (a) that he shall account for and pay over as required by law and as ordered to do by the board any and all money received by him on the sale of such bonds or any of them, (b) that he will only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed and (c) that he will return, duly cancelled, any and all bonds not sold to the board of supervisors when ordered by the board to do so. Such bond shall remain in the custody of the president of the board of supervisors who shall produce it for inspection or for use as evidence whenever and wherever legally

requested so to do. The successor in office of any such district treasurer shall not be entitled to the bonds or the proceeds thereof until he shall have complied with all the foregoing provisions applicable to his predecessor in office.

HISTORY: 1962 Code Section 18-595; 1952 Code Section 18-595; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2160. Report of sales; warrants for payment of bonds and interest.

The district treasurer shall promptly report all sales of bonds to the board of supervisors which shall at reasonable times thereafter prepare and issue warrants in substantially the forms provided in Section 49-19-1950 for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold. Each of such warrants shall specify what bonds and accruing interest it is to pay and the treasurer shall place sufficient funds at the place of payment to pay the maturing bonds and coupons when due as well as a reasonable compensation to the bank or trust company for paying them.

HISTORY: 1962 Code Section 18-596; 1952 Code Section 18-596; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2170. Alternative use of bank or depository as temporary treasurer.

If it should be deemed more expedient to the board of supervisors as to money derived from the sale of bonds issued the board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse the moneys on the orders of the board as the work progresses until such fund is exhausted or transferred to the district treasurer by order of the board of supervisors.

HISTORY: 1962 Code Section 18-597; 1952 Code Section 18-597; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2180. Use of proceeds of bonds.

The funds derived from the sale of such bonds or any of them shall be used for the purpose of paying the cost of the drainage works and improvements and such costs, expenses, fees and salaries as may be authorized by law and used for no other purpose.

HISTORY: 1962 Code Section 18-598; 1952 Code Section 18-598; 1942 Code Section 6196; 1932 Code Section 6196; Civ. C. '22 Section 3250; 1920 (31) 663; 1932 (37) 1253.

SECTION 49-19-2190. Bonds as a lien; mandamus to compel tax levy.

All bonds issued by any board of supervisors under the provisions of this chapter shall be secured by a lien on all lands and other property benefited in the district and the board of supervisors shall see to it that a tax is levied annually and collected under the provisions of this chapter so long as it may be necessary to pay any bond issue or obligation contracted under its authority. The making of such assessment and collection may be enforced by mandamus.

HISTORY: 1962 Code Section 18-599; 1952 Code Section 18-599; 1942 Code Section 6206; 1932 Code Section 6206; Civ. C. '22 Section 3260; 1920 (31) 663.

ARTICLE 17
Maintenance Tax

SECTION 49-19-2310. Levy and collection of Maintenance Tax.

To maintain and preserve the ditches, drains, or other improvements made pursuant to this chapter and to repair and restore them when needed and for the purpose of defraying the current expenses of the district the board of supervisors may upon the completion of the improvements and on or before the first day of October in each year thereafter levy an assessment upon each tract or parcel of land within the district to be known as a "Maintenance Tax." The Maintenance Tax shall be apportioned upon the basis of the net assessments of benefits accruing for original construction, shall not exceed ten per cent thereof in any one year and shall be certified to the county treasurer of each county in which lands of the district are situate at the same time as the annual installment tax is certified but in a separate column under the heading Maintenance Tax. The county treasurer shall demand and collect the Maintenance Tax, make return thereof and receive the same compensation therefor and be liable for the same penalties for failure or neglect so to do as is provided for the annual installment tax.

HISTORY: 1962 Code Section 18-611; 1952 Code Section 18-611; 1942 Code Section 6197; 1932 Code Section 6197; Civ. C. '22 Section 3251; 1920 (31) 663; 1928 (35) 2052.

SECTION 49-19-2320. Petition for readjustment of assessments.

Whenever the owners of twenty-five per cent or more of the acreage of the lands in a district shall file a petition with the clerk of the court that organized the district stating that there has been a material change in the value of the property in the district since the last previous assessment of benefits and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the Maintenance Tax the clerk shall give notice of the filing and hearing of the petition in the manner and for the time provided for in Section 49-19-250.

HISTORY: 1962 Code Section 18-613; 1952 Code Section 18-613; 1942 Code Section 6198; 1932 Code Section 6198; Civ. C. '22 Section 3252; 1920 (31) 663.

SECTION 49-19-2330. Notice of hearing on petition for readjustment.

Such notice may be in the following form:

Notice is hereby given to all persons interested in the lands included within the _____ drainage district that a petition has been filed in the office of the clerk of the court of common pleas of _____ County praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the Maintenance Tax in said district and that said petition will be heard by said court on the first day of the next _____ term of said court.

Date of first publication _____ 19__.

Clerk of Court of Common Pleas of _____ County.

HISTORY: 1962 Code Section 18-614; 1952 Code Section 18-614; 1942 Code Section 6198; 1932 Code Section 6198; Civ. C. '22 Section 3252; 1920 (31) 663.

SECTION 49-19-2340. Effecting readjustment.

Upon the hearing of the petition if the court shall find that there has been a material change in the values of the lands in the district since the last previous assessment of benefits the court shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy the Maintenance Tax of the district. Thereupon the court shall appoint three commissioners, possessing the qualifications of commissioners appointed under Section 49-19-930, to make such readjustment of assessments in the manner provided in Sections 49-19-960 to 49-19-1000. The commissioners shall make their report and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for

the assessment of benefits accruing from the original construction. In making the readjustment of the assessment of benefits the commissioners shall not be limited to the aggregate amount of the original or any previous assessment of benefit and after the making of such readjustment the limitation of ten per cent for the annual Maintenance Tax which may be levied shall apply to the amount of benefits as readjusted.

HISTORY: 1962 Code Section 18-615; 1952 Code Section 18-615; 1942 Code Section 6198; 1932 Code Section 6198; Civ. C. '22 Section 3252; 1920 (31) 663.

SECTION 49-19-2350. Readjustment no more than once in five years.

There shall be no such readjustment of benefits oftener than once in five years.

HISTORY: 1962 Code Section 18-616; 1952 Code Section 18-616; 1942 Code Section 6198; 1932 Code Section 6198; Civ. C. '22 Section 3252; 1920 (31) 663.

ARTICLE 19 Subsequent Proceedings

SECTION 49-19-2510. Petition for correction of errors or extension of boundaries.

The board of supervisors or the board of drainage commissioners, for and in behalf of any drainage district organized under the provisions of this chapter, or the owners of land adjacent to such district may file a petition in the office of the clerk of the court organizing the district, praying the court to amend its former decree incorporating the district by correcting the names of the landowners, by striking out any such names, or in any other manner. Such petition may ask permission of the court to amend or change the Plan of Reclamation or to correct any errors, omissions or other mistakes that have been discovered in the Plan of Reclamation or the petition may ask that the boundary lines of the district be extended so as to include lands not included in the petition and decree of the court incorporating the district. If such petition asks the court's permission to change the Plan of Reclamation or that the boundary lines of such district be in any manner changed it shall also ask the court to appoint three commissioners as provided under the provisions of Section 49-19-930 to appraise the land that shall be taken for rights of way, holding basins or other works or to assess the benefits and damages to any or all lands, public highways, railroad and other property already in the district or that may be annexed to the district by the proposed amendments and changes to the Plan of Reclamation or the proposed change in the boundary lines of the district.

HISTORY: 1962 Code Section 18-621; 1952 Code Section 18-621; 1942 Code Section 6194; 1932 Code Section 6194; Civ. C. '22 Section 3248; 1920 (31) 663.

SECTION 49-19-2520. Notice of hearing for correction of errors or extension of boundaries.

As soon as such petition shall have been filed the clerk of the court shall give notice in the manner and for the time provided for in Section 49-19-250. Such notice shall be substantially in the following form:

Notice of Drainage Hearing

To the owners and all persons interested in the lands and corporate and other property in and adjacent to _____ drainage district:

You and each of you are hereby notified that (here state by whom petition was filed) has filed in the office of the clerk of the court of common pleas of _____ County _____ a petition praying said court for permission to (here insert the prayer of the petition) and unless you show cause to the contrary on or before the ____ day of _____ the prayer of said petition may be granted.

Date of publication ____ day of _____, 19____.

HISTORY: 1962 Code Section 18-622; 1952 Code Section 18-622; 1942 Code Section 6194; 1932 Code Section 6194; Civ. C. '22 Section 3248; 1920 (31) 663.

SECTION 49-19-2530. Hearing and decree for correction of errors or extension of boundaries; costs.

Any owner of land or other property located in the district or any owner of land or property located outside of the district that will be affected by the proposed changes, amendments and corrections enumerated in the petition shall have the right to file objections to the granting of the prayer of the petition on or before the date fixed in the notice. The court shall hear the petition and all objections that may have been filed against the petition in a summary manner on a day to be named by the court or judge thereof upon application of any party interested and enter its decree according to its findings. If the petition be dismissed the district shall pay the costs but if the petition be sustained in whole or in part the objectors shall pay the court costs incurred by reason of such objections.

HISTORY: 1962 Code Section 18-623; 1952 Code Section 18-623; 1942 Code Section 6194; 1932 Code Section 6194; Civ. C. '22 Section 3248; 1920 (31) 663.

SECTION 49-19-2540. Transmittal and filing of petition for correction of errors or extension of boundaries.

The clerk of the court shall, within ten days after the granting of such decree, transmit a certified copy of the petition to the secretary of the board of supervisors and also a copy to each of the clerks of the courts of common pleas of the counties having land in the district and to the Secretary of State. Each such clerk shall file and preserve the copy in his office and for such filing and preserving he shall receive a fee of one dollar.

HISTORY: 1962 Code Section 18-624; 1952 Code Section 18-624; 1942 Code Section 6194; 1932 Code Section 6194; Civ. C. '22 Section 3248; 1920 (31) 663.

SECTION 49-19-2550. Appointment and report of commissioners on correction of errors or extension of boundaries.

If the decree of the court provides that the Plan of Reclamation may be amended, changed or corrected or the boundary lines of the district extended the court shall appoint three commissioners, possessing the same qualifications as the commissioners appointed under the provisions of Section 49-19-930, to appraise the property to be taken, assess the benefits and damages and estimate the cost of improvements as required of commissioners acting under the provisions of Section 49-19-960. The commissioners shall make their report in writing and file it with the clerk after which it shall be proceeded with in the same manner as is provided for in this chapter for the organization of drainage districts.

HISTORY: 1962 Code Section 18-625; 1952 Code Section 18-625; 1942 Code Section 6194; 1932 Code Section 6194; Civ. C. '22 Section 3248; 1920 (31) 663.

SECTION 49-19-2560. Consolidation of districts.

Any two or more adjacent districts established under this chapter, whether incorporated in the same or different counties, may be united and consolidated in one district and such new district and the board of supervisors thereof shall have the rights, powers and privileges of any district organized under this chapter.

HISTORY: 1962 Code Section 18-626; 1952 Code Section 18-626; 1942 Code Section 6199; 1932 Code Section 6199; Civ. C. '22 Section 3253; 1920 (31) 663.

SECTION 49-19-2570. Election as prerequisite to consolidation; petition.

In order to effect such a consolidation the board of supervisors of each of the original districts shall call an election in the same manner as elections for supervisors, stating the time, place and object of such election. If a majority of the acreage voting in each district vote in favor of the proposition to unite and consolidate such districts the board of supervisors of each district shall present a petition to the court of common pleas of the county in which the greatest amount of the lands is located, accompanied with a complete return of the election, in which petition shall be stated the names of the original districts, when incorporated, the names of the owners of the lands and the boundaries of the districts.

HISTORY: 1962 Code Section 18-627; 1952 Code Section 18-627; 1942 Code Section 6199; 1932 Code Section 6199; Civ. C. '22 Section 3253; 1920 (31) 633.

SECTION 49-19-2580. Notice of hearing on consolidation; objections; decree.

When the petition has been filed the clerk of the court shall give notice of such filing in the manner provided for giving notice in Section 49-19-250, the notice to state substantially the contents of the petition and the objects sought and the term of court at which the matter is to be heard. Any person owning land in either of the districts may, on or before the first day of such term of court, file objections to the regularity or sufficiency of any of the proceedings had in the premises and if such objections are overruled or if no objections are made the court shall make an order that any two or more of the several districts so asking to be united shall be united and consolidated as one district, under some appropriate designation, with all the rights, powers and privileges of such districts organized under this chapter. All orders made in regard to extension of time, boundaries or uniting districts shall be spread on the records of the court of common pleas and a certified copy thereof shall be filed with the clerk of the court of common pleas of each county in which any of such lands is located and also with the Secretary of State and such clerk shall receive a fee of one dollar for filing and preserving such certificates.

HISTORY: 1962 Code Section 18-628; 1952 Code Section 18-628; 1942 Code Section 6199; 1932 Code Section 6199; Civ. C. '22 Section 3253; 1920 (31) 663.

SECTION 49-19-2590. Effect of consolidation; election of board of supervisors.

The lands so included in the new district shall be subject to all liens, liabilities and obligations of the original districts and a new board of supervisors shall be elected as is now provided in case of election of supervisors.

HISTORY: 1962 Code Section 18-629; 1952 Code Section 18-629; 1942 Code Section 6199; 1932 Code Section 6199; Civ. C. '22 Section 3253; 1920 (31) 663.

SECTION 49-19-2600. Extension of duration of drainage district.

Whenever the board of supervisors of any district organized under this chapter finds that, in order to raise funds (1) to (a) complete the Plan of Reclamation, (b) pay for works already completed, (c) pay bonds outstanding and interest thereon or such interest alone or (d) restore any works or construct new work, or (2) for any other cause, the time for which any such drainage district has been incorporated should be extended, such board shall call a meeting of the landowners of the district in the same manner as is provided for in Section 49-19- 510. The notice shall state the time, place and purpose of such meeting and that if the owners of the majority of acres represented at such meeting vote in favor of such extension of the district's corporate existence a petition will be presented to the court that organized the district asking for such extension of time. Such meeting shall be conducted in the same manner as is provided in Section 49-19-510 for the election of supervisors, except that one member of the board of supervisors shall act as chairman of such meeting and the secretary of the board or his deputy shall act as clerk.

HISTORY: 1962 Code Section 18-630; 1952 Code Section 18-630; 1942 Code Section 6200; 1932 Code Section 6200; Civ. C. '22 Section 3254; 1920 (31) 663.

SECTION 49-19-2610. Petition for extension of duration of district; proceedings.

If a majority of the acreage represented at such meeting shall vote in favor of such extension the board of supervisors shall, not less than ten days before the next term of the court of common pleas, file a petition with the clerk of such court, praying for the extension of the corporate existence of the district. After filing the petition the same proceedings shall be had as is provided for in this chapter relating to the incorporation of the district. If such petition be granted by the court within ten days thereafter the clerk shall transmit a copy of the decree to the secretary of the board of supervisors, a copy to the Secretary of State and a copy to the clerk of the court of common pleas of each county having land in the district. Such clerks shall file and preserve the copies in their respective offices and for such service shall each receive a fee of one dollar. In case the court should find that such extension should not be allowed the petition shall be dismissed and the cost incurred in the case be paid by the district.

HISTORY: 1962 Code Section 18-631; 1952 Code Section 18-631; 1942 Code Section 6200; 1932 Code Section 6200; Civ. C. '22 Section 3254; 1920 (31) 663.

SECTION 49-19-2620. Addition to Plan of Reclamation.

When the work set out in the Plan of Reclamation of any drainage district is found insufficient to reclaim in whole or in part any or all of the lands of the district the board of supervisors may formulate new or amended plans containing new canals, ditches, levees or other works and additional assessments may be made in conformity with the provisions of Sections 49-19-960 to 49-19-1010 in proportion to the increased benefits accruing to the lands because of the additional works.

HISTORY: 1962 Code Section 18-632; 1952 Code Section 18-632; 1942 Code Section 6201; 1932 Code Section 6201; Civ. C. '22 Section 3255; 1920 (31) 663.

SECTION 49-19-2630. Additional tax.

If it should be found at any time that the amount of total tax levied under the provisions of Section 49-19-1610 is insufficient to pay the cost of the works set out in the Plan of Reclamation or additional work done under the provisions of Section 49-19-2620, the board of supervisors may make an additional levy to provide funds to complete the work. But the total of all levies of such tax shall not exceed the total amount of benefits assessed.

HISTORY: 1962 Code Section 18-633; 1952 Code Section 18-633; 1942 Code Section 6201; 1932 Code Section 6201; Civ. C. '22 Section 3255; 1920 (31) 663.

SECTION 49-19-2640. Connection of existing canals, ditches, or drains with system.

At the time of the construction in any district incorporated under this chapter of the Plan of Reclamation all canals, ditches or systems of drainage already constructed in the district and all watercourses shall, if necessary to the drainage of any lands in the district, be connected with and made a part of the works and improvements of the plan of drainage of the district.

HISTORY: 1962 Code Section 18-634; 1952 Code Section 18-634; 1942 Code Section 6203; 1932 Code Section 6203; Civ. C. '22 Section 3257; 1920 (31) 663.

SECTION 49-19-2650. Consent of board of supervisors required for connection with system; procedure if consent refused.

No canals, ditches, drains or systems of drainage constructed in the district shall be connected with the works constructed under the Plan of Reclamation unless the consent of the board of supervisors shall be

first had and obtained. Such consent shall be in writing and shall particularly describe the method, terms and conditions of such connection and shall be approved by the chief engineer. Such connection, if made, shall be in strict accord with the method, terms and conditions laid down in the consent. If the landowner or owners wishing to make such connection are refused by the board of supervisors or decline to accept the consent granted the landowner or owners may file a petition for such connection in the court of common pleas having jurisdiction in the district and the matter in dispute shall in a summary manner be decided by the court, which decision shall be final and binding on the district and landowner or owners. No connection with the works or improvements of the district or with any canal, ditch, drain or artificial drainage wholly within the district shall be made, caused or effected by any landowner or owners, company or corporation, municipal or private, by means of or with any ditch, drain, cut, fill, roadbed, levee, embankment or artificial drainage wholly without the limits of the district, unless such connection is consented to by the board of supervisors or is made pursuant to the provisions of the preceding sentence.

HISTORY: 1962 Code Section 18-635; 1952 Code Section 18-635; 1942 Code Section 6203; 1932 Code Section 6203; Civ. C. '22 Section 3257; 1920 (31) 663.

SECTION 49-19-2660. Construction of bridge by landowner.

Any owner of land within or without the district may, at his own expense and in compliance with the terms and provisions of this chapter, construct a bridge across any drain, ditch, canal or excavation in or out of the district.

HISTORY: 1962 Code Section 18-636; 1952 Code Section 18-636; 1942 Code Section 6186; 1932 Code Section 6186; Civ. C. '22 Section 3240; 1920 (31) 663.

SECTION 49-19-2680. Reorganization of other drainage districts.

Any drainage district in this State organized under the provisions of any other law of this State, either general or special, may elect to become and be reorganized under the provisions of this chapter.

HISTORY: 1962 Code Section 18-638; 1952 Code Section 18-638; 1942 Code Section 6209; 1932 Code Section 6209; Civ. C. '22 Section 3263; 1920 (31) 663.