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243.010. Definitions. — As used in this chapter:

(1) The word "**ditch**" shall be held to include a drain, watercourse, bank protection, current control or levee or any drain, watercourse, bank protection, current control or levee hereafter constructed;

(2) The word "**owner**" 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 owners of the freehold estate in any proceeding under this chapter;

(3) The words "**regular session**" and "**regular meeting**" of the county commission shall be held to include and mean the regular terms of the county commission beginning on the first Mondays of February, May, August and November, or at such other times as fixed by the county commission in accordance with the provisions of section 49.170.

(RSMo 1939 §§ 12398, 12452, 12453, A. 1949 S.B. 1083)

Prior revisions: 1929 §§ 10809, 10862, 10863; 1919 §§ 4477, 4529, 4530; 1909 §§ 5578, 5615

8/28/1949

243.020. County commission authorized to organize drainage districts. —

1. When it shall be conducive to the public health, convenience or public welfare, or when it will be of public utility or benefit, the county commission of any county in this state shall have the authority to organize, incorporate and establish drainage districts and to cause to be constructed, straightened, widened, altered or deepened, any ditch, drain, natural stream (not navigable), bank protection, current control, or watercourse, when the same is necessary to drain or protect any land or other property.

2. The petition for any such improvement shall be held to include any side, lateral, spur, or branch ditch, drain, watercourse, or levee, the lowering of any lake, the protection of the banks of an adjacent stream from wash, cutting or erosion or any other work necessary to secure fully the object of the improvement, petitioned for,

whether the same is mentioned in such petition or not. The commission may establish any such side, lateral, spur or branch ditch when the main ditch is established, or at any time thereafter, and the commission shall require that proper compensation be given the main ditch district for the outlet afforded such lateral, side, spur or branch ditch; provided, that in the event any work is to be done upon any navigable stream, the consent of the federal government shall be obtained to make such improvement or improvements before the actual work on the improvement shall be begun.

(RSMo 1939 §§ 12398, 12452, A. 1949 S.B. 1083)

Prior revisions: 1929 §§ 10809, 10862; 1919 §§ 4477, 4529; 1909 §§ 5578, 5615

8/28/1949

243.030. Petition to be filed — bond required. — Before any county commission may organize, incorporate and establish a drainage district, or make any improvement as provided in this chapter, there must be filed with the clerk of the county commission a petition signed by one or more landowners, whose lands will be liable to be affected by or assessed for the construction of the improvements necessary to be made, which petition shall set forth the following:

- (1) The necessity for the proposed improvement, as well as the starting point, route and terminus thereof;
- (2) The boundary of the proposed district;
- (3) The names of the owners of lands or other property within the boundary of said proposed district, together with a description of the said lands or other property owned by each; when the name of the owner of any of said land or other property is unknown the fact shall be stated in the petition.

There shall be filed, with such petition, a bond in the sum of not less than fifty dollars per mile, payable to the state of Missouri, signed by one or more of the petitioners, with two or more good and sufficient freehold sureties, to be approved by the county commission, conditioned for the payment of all costs and expenses if the prayer of the petition be not granted or the petition be from any cause dismissed. No landowner having signed a petition for the formation of a drainage district under this chapter shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage represented by those signing said petition.

(RSMo 1939 § 12399)

Prior revisions: 1929 § 10810; 1919 § 4478; 1909 § 5579

8/28/1939



243.040. County commission to appoint counsel. — At the first term of the county commission after the filing of the petition the county commission shall appoint one or more attorneys, satisfactory to the owners of a majority of the acreage represented by those signing the petition, to assist in the establishment of the district and advise with its officers, agents and employees, prepare reports and other necessary documents. The county commission shall allow such attorney or attorneys just compensation to be taxed as costs in the case.

(RSMo 1939 § 12400)

Prior revisions: 1929 § 10811; 1919 § 4479

8/28/1939

243.050. County commission to appoint engineer and viewers — qualifications and duties. — 1. When such petition and bond has been filed and the bond approved, the county commission shall without delay appoint a competent civil and drainage engineer, who may be an individual, copartnership or corporation, and three persons as viewers, who shall be persons residing within the state of Missouri, and who shall not be landowners in the proposed district nor of kin within the fourth degree of consanguinity to any person owning land within the boundary line set forth in such petition. A majority of the viewers shall constitute a quorum and shall control in all matters. They shall subscribe an oath to faithfully discharge their duties as such viewers and engineer and to make a true report of the work done and the facts by them ascertained.

2. They shall proceed at once under the direction of an order of the county commission, certified by the clerk thereof, to view the location of the proposed ditch or improvement and the premises along and adjacent thereto. If they find that the proposed improvement is necessary, practicable and would be of public utility or conducive to the public health, convenience or welfare, they shall so report and in said report they shall indicate approximately the proper character, dimension, location and probable cost of the improvement necessary to accomplish the object of said petition and if necessary to determine the above facts the engineer may employ assistants and make surveys and with the approval of the county commission he may employ a consulting engineer or secure expert advice and the expense shall be taxed as expenses under the petition.

3. They shall also ascertain and report what land or other property, if any, adjacent to the proposed drainage district will be benefitted by the proposed improvement and

shall prepare and submit as a part of their report a description of such lands or other property with the names of the owners thereof when the same can be ascertained by reasonable diligence and shall also set forth the boundary line of such proposed drainage district so as to include the additional land or other property. They shall report their findings in writing with such maps, profiles and drawings as are necessary to advise the county commission in the premises and shall promptly file the same with the county clerk.

(RSMo 1939 § 12401, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10812; 1919 § 4480; 1909 § 5580

8/28/1990

243.060. Time of hearing to be published — form of notice. — Immediately after the report of the viewers and engineer has been filed, it will be the duty of the county clerk to cause notice thereof to be published in some newspaper published in the county wherein the proceedings are pending. Such notice shall be published once a week for three consecutive weeks, three times, and shall be in substantially the following form:

NOTICE OF PENDENCY OF PETITION TO FORM
DRAINAGE DISTRICT.

Notice is hereby given to all persons interested in the following described land and other property in _____ County of Missouri (here describe the property as set out in the petition and report of the viewers and engineer) that there has been filed in this office a petition for the organization of a drainage district under the provisions of chapter 243, RSMo, that the duly appointed viewers and engineer have made and filed their report in this office, and that the lands and other property as above described will be affected by the formation of the proposed drainage district and be rendered liable to taxation for the purpose of paying the expenses of organizing and incorporating the district and making and maintaining the improvements that may be found necessary to drain, protect and reclaim the lands and other property therein and you and each of you are hereby notified that you may examine the said petition and report and file exceptions to all or any part thereof as provided by law.

Clerk of the county commission of _____ County,
Missouri.

(RSMo 1939 § 12402)

Prior revisions: 1929 § 10813; 1919 § 4481; 1909 § 5581

8/28/1939



243.070. Remonstrance may be filed — judgment, effect. — 1. Not later than ten days after the last day of publication of the notice provided for in section 243.060, any person interested in land or other property that will be affected by the organization of the proposed drainage district or by said proposed improvement, may file, in the office of the county clerk, a written remonstrance against or objection to the petition or report of the viewers, setting forth therein his grievance, which shall be, by the county commission, heard and determined, in a summary manner.

2. If, after hearing and determining all such objections, the county commission finds that the owners of a majority in acreage of the proposed district are petitioners or have joined in the prayer of said petition, by motion, or otherwise, then the county commission shall, or if less than a majority, the county commission, in its discretion, may find in favor of making the improvement. The petitioners shall be released from their liability and bond when the county commission shall find in favor of making the improvement. If the county commission finds in favor of making the improvement, it shall, by order of record, incorporate the land and other property described in the report of the viewers and engineer or any part thereof into a drainage district for the purpose of this chapter, and shall designate the same by number.

3. Such district shall be a body corporate and a political subdivision of the state, shall possess the usual powers of a corporation for public purposes, shall be capable of suing and being sued in its corporate name and shall be capable of holding such real and personal property as may be at any time either donated to or acquired by it in accordance with the provisions of this chapter or of which it may be rightfully possessed at the time of the passage of this chapter.

4. If the county commission shall find against the improvement, it shall dismiss the petition and proceedings at the cost of the petitioners, and shall issue an itemized bill of all costs and expenses, in like manner and with like effect as fee bills are issued by the clerk of the circuit court.

(RSMo 1939 § 12403)

Prior revisions: 1929 § 10814; 1919 § 4482; 1909 §§ 5582, 5583

8/28/1939

243.075. Dissolution of district, when, how. — The county commission may, if it determines after notice and hearing, in the same manner as is provided for establishment of such a district that a drainage district organized by the county commission under this chapter has been inactive for at least ten years, make an order calling for the dissolution of the inactive district and the distribution of any funds of the inactive district, by the county treasurer, to any subsequently organized district or districts incorporating all or part of the territory of the inactive district on a pro rata basis of any funds of the inactive district; and if any portion of the inactive district incorporated under this chapter is not within a subsequently organized district the county commission shall order the county treasurer to make refunds on a pro rata basis to the present owners of the property on which the tax was levied as their interest appears of record, and the county treasurer shall have authority to draw checks against the funds of the district for this purpose. After all the funds have been distributed, the county commission shall declare the district dissolved. In prorating, the assessed valuation of the various tracts of land shall be the basis on which the proration is made and the assessed valuation of the tracts involved for the year in which the dissolution is ordered shall be used.

(L. 1971 H.B. 346 § 1)

8/28/1971

243.080. Location of improvement — report to contain data as to cost. —

1. Immediately after establishing a district as provided in this chapter, the county commission shall, by an order of record, direct the viewers and engineer theretofore appointed or appoint others possessing the same qualifications, who shall proceed to view the lands and other property in the district and establish the precise location where, in their judgment, the proposed improvement will prove most efficient and shall determine the dimensions and form of the proposed ditch, levee or other improvement. They may, if deemed best, vary from the line or lines of the ditches described in the petition provided they follow the line as nearly as practicable. If necessary to obtain sufficient fall or outlet they may extend the outlet below the point named in the petition. When practicable, the ditches shall be located on division lines between lands owned by different persons but the general utility of the ditches shall not be sacrificed to avoid diagonal lines. The engineer shall make a survey of each ditch, levee or other improvement and prepare profiles thereof, showing the natural surface and the grade lines and he shall estimate the number of cubic yards of earth or other substance to be removed and shall specify and estimate all other work required. He shall prepare a map of the district showing the lands, roads and railroads

and other property which will be affected by the construction of said proposed improvement which shall also show the approximate location thereof, the boundary line of each tract of land, or other property, the location of each corporate road or railroad, together with such other data as the viewers and engineer may deem necessary for the information of the county commission.

2. Whenever the construction of any ditch, levee or other work specified in this section will destroy the witness marks of any land corner, the engineer shall note such fact and shall note other witnesses for said corner and describe them and give the bearing and distance of same from said corner in the report of his work. The engineer shall also prepare and file a complete record of the corners and witness marks thereto destroyed and reestablished and noted and shall file the same in the office of the county surveyor who shall record the same in the records of his office. The engineer may, at the expense of the district and with the approval of the county commission, employ the necessary assistants in making surveys, maps and profiles and secure the services of a consulting engineer or expert advice.

3. The said viewers and engineer shall make a schedule of lands in tracts of forty acres or less or government subdivision of sections or other surveys and all railroads and other property within said drainage district which will be benefitted or damaged by or for said improvements, which schedule shall show the owner or owners of each tract of land, road, railroad or other property, so far as they are able by diligent effort to ascertain. They shall assess the amount of benefits and the amount of damages, if any, that will accrue and result to each tract of land, road, railroad or other property by the construction of the improvements and shall prepare a report of their findings 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, "damages awarded".

4. They shall also prepare and include in their report a description of the land and other property within or without the district necessary to be acquired for right-of-way of ditches and other improvements, and they shall determine and set out the value of each tract of land or other property necessary to be acquired. They shall also make an estimate of the total cost of the improvements, including the cost of organizing said drainage district, the payment of all damages, the cost of property required, and the incidental expenses necessary for conducting its affairs.

(RSMo 1939 § 12405)

Prior revisions: 1929 § 10816; 1919 § 4484; 1909 § 5584

8/28/1939



243.090. Report to be filed, when — landowners may be heard — vacancies, how filled. — 1. The said viewers and engineer shall make a report of their work, as required in section [243.080](#), with the maps, profiles, schedules, estimates and other information, together with an itemized bill of costs made in the proper discharge of their duties and shall file this report with the clerk of the county commission within thirty days after making said surveys and estimates.

2. Any and all persons whose lands may be affected by the improvement may appear before the viewers and freely express their opinions on all matters pertaining thereto.

3. If any engineer or viewer shall die or fail or refuse to qualify and serve as such, the county commission may appoint some other person having the prescribed qualifications, who shall, before entering upon the discharge of his duties, take the oath prescribed by this chapter.

(RSMo 1939 § 12406)

Prior revisions: 1929 § 10817; 1919 § 4485

8/28/1939

243.100. Limitations for assessment of benefits. — 1. In assessing the benefits to lands, public highways, railroad and other rights-of-way, railroad roadways and other property not traversed by the improvements, the viewers shall not consider what benefits will be derived by such property after other ditches or improvements shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the improvements to be constructed by this district, or as the same may afford an outlet for drainage or protection from overflow of or damage to such property.

2. The viewers shall give due consideration and credit to any other drains, ditch or ditches, levee or levees which may have already been constructed and which afford partial or complete protection to any tract or parcel of land in the new district.

3. The public highways, railroad and other rights-of-way, roadways, railroad and other property 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 improvements.

4. When part of a tract of land is to be acquired by the district for right-of-way or other purposes, the viewers shall list the remainder of the tract in the schedule of benefits, and show the acreage remaining and shall estimate the benefits which will accrue to same.

(RSMo 1939 § 12407)

Prior revisions: 1929 § 10818; 1919 § 4486

8/28/1939

243.110. Notice of filing of report to be published — form. — Upon the filing of the report of the viewers and engineer, the clerk shall immediately give notice of the filing thereof, by publication in some newspaper published in the county wherein the proceeding is pending. Such notice shall be published for three successive weeks, three times, and shall be substantially in the following form, to wit:

NOTICE OF FILING OF VIEWERS' REPORT IN DRAINAGE
DISTRICT NO. _____ OF _____ COUNTY, MISSOURI.

Notice is hereby given to all persons interested in the following described land and other property included within drainage district No. _____ of _____ County, Missouri (here describe land and other property), that the viewers heretofore appointed to establish the precise location of the improvements, to assess benefits and damages to the property and lands situate in said drainage district and to appraise the cash value of land necessary to be taken for rights-of-way and other works of said district within or without the limits of said district, filed their report in this office on the _____ day of _____, 20_____, and you and each of you are hereby notified that you may examine said report and file exceptions to all or any part thereof, as provided by law.

Clerk of the county commission of _____ County,
Missouri.

(RSMo 1939 § 12408)

Prior revisions: 1929 § 10819; 1919 § 4487

8/28/1939



243.120. Exceptions to report — appeal to circuit court — procedure — new notice to be published, form. — 1. The attorney for the drainage district or any owner of

land or other property in said district, may file exceptions to said report within ten days after the last day of publication of the notice provided for in section 243.110. All exceptions shall be heard by the county commission and determined in a summary manner so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the county commission, after having heard and determined all of said exceptions, that the estimated cost of constructing the proposed improvement is less than the benefits assessed against the land and other property in said district, then the county commission shall approve and confirm said viewers' report as so modified and amended.

2. The county commission shall adjudge and apportion the costs incurred by the exceptions filed and shall condemn any land or other property, within or without the boundary lines of the district, that is shown by the report of the viewers to be needed for rights-of-way, holding basins and other works, or that may be needed for material to be used in constructing said 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 telegraph, telephone and railroad rights-of-way.

3. The price of the land and other property taken for rights-of-way and other use of the district and the damage to each piece of land and other property shall be paid in cash to the owner thereof and no drainage district shall have the right to enter upon or appropriate any land or other property sought to be acquired until the prices awarded to the owners of such land shall have been paid to such owners or into the commission organizing the district for the use of such owners; and if the sums awarded be not so paid within five years from the date of final confirmation of the viewers' report, all proceedings as to the taking of such property for rights-of-way, and other works not so paid for, shall abate at the cost of the district. Whenever any land is acquired by any district under the provision 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.

4. Any person may appeal to the circuit court from the judgment of the county commission, and upon such appeal there may be determined either or both of the following questions:

- (1) Whether just compensation has been allowed for property appropriated; and
- (2) Whether proper damages have been allowed for property prejudicially affected by the improvements.

5. The court shall grant the appeal if the appellant shall, before the end of the term of the county commission and within ten days from the date of the order appealed from, file a written application for an appeal, specifying therein the matters appealed from, verified by affidavit as in appeals taken from judgments of circuit courts, and the application shall be recorded upon the record of the county commission.

6. The county commission shall then fix the amount of the bond to be given by the appellant and cause an entry thereof to be made upon its record. The party appealing shall within ten days thereafter file with the clerk a bond payable to the drainage district in the amount fixed by the county commission, with at least two good and sufficient freehold sureties, to be approved by the county commission, or in vacation, by the clerk, conditioned to pay all costs on the appeal in case the appellant fail to sustain the same, or the appeal be for any reason dismissed; and within ten days from the date of filing said bond the said clerk shall make and certify a transcript of the proceedings had before the county commission relating to the land of appellant and involved in the appeal, and file the same, together with all original papers relating to the proceedings, on file in his office, in the office of the clerk of the circuit court; provided, that nothing in this section shall be so construed as to authorize any appellant to stay the proceedings in the county commission, or to prevent progress in the work of constructing any work or improvement; but said county commission may proceed with said work, and any subsequent proceedings in the circuit court shall affect only the rights and interests of the appellant in property located in such district. The county commission may, if it deems advisable, refer the report back to the viewers, with or without directions for correction or amendment in any particular, in which event a new notice shall be given in the manner and for the time provided in section [243.110](#), which notice shall be substantially in the following form:

NOTICE OF FILING OF AMENDED REPORT OF VIEWERS
AND ENGINEER IN DRAINAGE DISTRICT NO. _____
OF _____ COUNTY, MISSOURI.

Notice is hereby given to all persons interested in drainage district No. _____ of _____ County, Missouri, that on the _____ day of _____, 20____, the viewers and engineer of said drainage district refiled their report, together with modifications and amendments, and you and each of you are hereby notified that you may examine said report and file exceptions to all or any part thereof.

Clerk of the county commission of _____ County, Missouri.

7. Exceptions to an amended report may be filed in like time and manner, as in the case of filing the original report, and the proceedings thereafter shall be the same as in the case of the report in the first instance.

(RSMo 1939 § 12409)

Prior revisions: 1929 § 10820; 1919 § 4488; 1909 § 5592

8/28/1939

243.130. Condemnation of additional land. — The county commission shall have the right to condemn for the use of a district organized under the provisions of this chapter any necessary land or other property not acquired or condemned by the county commission on the report of the viewers, following also the procedure that is now provided by law for the appropriation of land or other property taken for telegraph, telephone and railroad rights-of-way.

(RSMo 1939 § 12411)

Prior revisions: 1929 § 10822; 1919 § 4490

CROSS REFERENCE:

Condemnation of land for public purposes by county commission, proceedings, 49.300

8/28/1939

243.140. Lands lying outside district may be annexed, when — proceedings. —

1. Any land lying outside of any drainage district as organized, the owner or owners of which shall thereafter make connection with any main ditch or drain, or other drain in any district, or whose lands are or will be benefitted by the work or drainage district, shall be deemed to have made voluntary application to be included in such drainage district, and thereupon the county commission shall obtain a description of such land benefitted and amount of benefits in same manner as provided for construction of ditches in this chapter, the name of the owner or owners thereof, and a description of the ditch or drain making such connection, and file the same in its records.

2. Said county commission shall then fix a day, not less than fifteen days from such filing, when it will hear complaints, and thereupon the clerk of said county commission shall give ten days' notice thereof in writing to such owners, which notice shall be served by reading or delivering a copy thereof to such owner or owners of, if a nonresident, to his tenant, and affidavit of such service shall be evidence thereof. At the time fixed, the county commission shall render its decision in said cause, and shall file copies thereof with the clerk of the county commission, giving a description of any

land annexed, and such lands shall be deemed a part of such district, and shall be assessed as other lands therein for maintaining said ditches.

(RSMo 1939 § 12445)

Prior revisions: 1929 § 10855; 1919 § 4522; 1909 § 5632

8/28/1939



243.150. Taxes to be levied against county-owned swamplands, how paid. —

Whenever any of the counties in which any drainage district shall be organized under the provisions of this chapter shall be the owner of a tract or tracts of swamplands, granted to it by the state of Missouri, which will be benefitted by the construction of any such ditch or drain, the said land shall be assessed as to benefits and damages as any other land and the taxes levied against the same shall be paid by the county commission out of the swampland fund or out of any fund or funds arising from the proceeds of the sale of swamplands of such county.

(RSMo 1939 § 12449)

Prior revisions: 1929 § 10859; 1919 § 4526

8/28/1939

243.160. Authority to complete improvements in county commission — powers of procedure. — 1. The county commission for and on behalf of a drainage district shall have full power and authority to build, construct, excavate and complete all or any works and improvements which may be needed to complete the improvements located, described and set forth in the duly confirmed report of the viewers and engineer.

2. To accomplish that end the said county commission is hereby authorized and empowered to employ men and teams and to rent or purchase machinery, employ men to operate same and directly have charge of and construct the works and improvements, or by the use of other or more efficient means than provided for in the plans adopted.

3. They may, in their discretion, let the contract for such works and improvements either as a whole or in sections. The county commission shall fix the time and place of letting contracts for the construction of the improvements, and cause notice thereof, containing a description of the work to be let, to be given by the clerk of the county commission, by publication in three consecutive issues of some weekly newspaper of general circulation, published in the county, and by at least one insertion in some

suitable contractor's or trade journal, the last insertion to be at least ten days before the day of letting.

(RSMo 1939 § 12423)

Prior revisions: 1929 § 10833; 1919 § 4501; 1909 § 5595

8/28/1939

243.170. District engineer to be appointed — duties — bond required. —

1. Within sixty days after the confirmation of the report of the viewers and engineer assessing the benefits and damages, the county commission shall appoint a competent civil and drainage engineer as district engineer, who may be an individual, copartnership or corporation, and who shall engage such assistants as the county commission may approve.

2. The district engineer shall have control of the engineering work in the district and with the approval of the county commission he may employ a consulting engineer. The district engineer shall also be the superintendent of the construction of all the works and improvements and shall, whenever required, and at least once a year, make a full report to the county commission of all work done and improvements made and make such suggestions and recommendations to the commission as he may deem proper.

3. The district engineer shall give bond in the sum of not less than one thousand dollars or as much greater amount as the county commission may fix, for the faithful performance of his duties as engineer of such district. Such bond shall be signed by at least two residents of the county in which such district has been organized or by a surety company authorized to transact business in this state, and shall be made to such district and preserved in the office of the county clerk.

(RSMo 1939 § 12424, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10834; 1919 § 4502

8/28/1990



243.180. Engineer to let work — bidders to give bond — county commission to approve — contractor liable in default. — 1. The district engineer shall let or offer to let the job or labor of constructing the working sections, as directed in the order of the county commission, announcing the terms upon and the time within which the work shall be done.

2. All successful bidders shall forthwith execute and deliver to the engineer a bond payable to the drainage district, in at least twenty percent of the amount of the bid, with sufficient like sureties, conditioned for the faithful performance of the work let, in the manner and within the time specified in the contract; the engineer shall, within fifteen days after the day bids are received, return all contracts and bonds to and file report of his proceedings in the premises, in the office of the county clerk.

3. The county commission shall approve or reject all contracts and bonds and cause to be spread upon its record an entry of its action thereon and give notice thereof to the contractors. All bonds and a duplicate of all contracts shall be filed in the office of the county clerk, and when approved they shall be recorded upon the drainage record. The county commission may, in its discretion, for good cause, extend the time specified in the contract for completing the construction of the ditch or other improvement, but such extension shall not be construed or deemed to have the effect of impairing the contract, or the contractor's bond, or releasing the sureties thereon.

4. If the work provided for by any contract be not performed in the manner or within the time therein fixed, or within such additional time as may have been granted to the contractor, the county commission may, in the same manner as original contracts are let, relet such portion of such work as may not have been performed by the contractor; provided, that the contracts shall not be let a second time to the same person. The defaulting contractor shall be liable on his bond for all damages, costs and expenses occasioned by his default.

(RSMo 1939 § 12425)

Prior revisions: 1929 § 10835; 1919 § 4503

8/28/1939

243.190. Engineer to issue certificate of acceptance, when — provisions for payment of claim. — It shall be the duty of the district engineer, on being notified by a contractor that the work, or any installment thereof, provided for in his contract, is completed, to examine the same, and if he finds that it is completed according to the specifications of the report of the engineer and viewers, as confirmed, as provided in this chapter, he shall accept the same, and give to such contractor a certificate of acceptance, stating that such installment or contract is completed according to such specifications, and file a duplicate thereof in the office of the clerk of the county commission, and on presentation by any contractor of claim for payment for work performed, or any installment thereof, as provided by his contract, accompanied by such engineer's certificate, the county commission shall audit the claim, and if the

same is in accordance with such claimant's contract and the work has been performed within the time therein specified, it shall draw a warrant upon the county treasurer for the amount thereof, payable out of the funds of the district available for the payment of such charges.

(RSMo 1939 § 12426)

Prior revisions: 1929 § 10836; 1919 § 4504

8/28/1939

243.200. Provisions for necessary construction or enlargement — when owned by corporation other than county — bridge to become part of highway, when. — 1. The county commission may, when the same is necessary for the public health, convenience or welfare, cause to be constructed or enlarged any bridge or culvert made necessary by the crossing of any ditch constructed by a district organized under the provisions of this chapter; provided, however, that if such bridge or culvert shall belong to any corporation other than the county, the county clerk shall give such corporation notice by delivering to its agent the order of the commission declaring the necessity for constructing or enlarging such bridge or culvert. A failure to construct or enlarge such bridge or culvert within the time specified shall be taken as a refusal to do said work, and thereupon the county commission shall proceed to let the work of constructing or enlarging the same, and assess the corporation with the cost thereof, and the county clerk shall place such assessment on the tax book against said corporation, and it shall be a lien upon the property of the corporation, to be collected as taxes. But before the county commission shall let such work, they shall give to the agent of such corporation at least twenty days' actual notice of the time and place of letting such work.

2. When a bridge has been constructed across a drainage ditch that crosses any public highway in this state, that shall be adjudged sufficiently by the county commission of the county in which said drainage district is organized, such bridge shall become a part of such highway and shall thereafterwards be maintained, repaired or replaced by the authority authorized by law to maintain the road of which it becomes a part.

(RSMo 1939 § 12427)

Prior revisions: 1929 § 10837; 1919 § 4505; 1909 § 5611

8/28/1939



243.210. Provisions of this chapter applicable to old channels or sloughs. —

Where lateral ditches constructed by a district organized under this chapter have outlets in an old channel or slough, all the provisions of this chapter shall apply to and govern these channels or sloughs the same as though they had in fact been constructed by the district from the outlet of the lateral ditch to the outlet of the old channel or slough.

(RSMo 1939 § 12429)

Prior revisions: 1929 § 10839; 1919 § 4507

8/28/1939

243.220. Repairs and improvements, how made — hearing when cost exceeds maintenance fund — form of notice. — 1. When any ditches or other improvements constructed under this chapter need to be enlarged, cleaned out, obstructions removed therefrom or new work done, five or more of the owners of land originally assessed for the construction of any such ditches, or other improvements, may file a statement in writing with the county clerk setting forth such necessity.

2. Upon the filing of such statement, it shall be the duty of the county commission, at its next meeting thereafter, to direct the district engineer, or an engineer of their selection, as the case may be, to proceed at once to view the premises and to make a report to the commission in writing of the repairs and improvements necessary to be made and the probable cost of making such improvements as will restore the said ditch, drain or levy to an efficient condition.

3. It shall be the duty of the county commission to forthwith consider said report and if the commission finds that the improvements, or any of them, recommended in said report should be made, it shall direct the district engineer, or an engineer of their selection, as the case may be, to proceed with all due diligence in the making of such repairs and improvements, directing such engineer to purchase such supplies and employ such labor as may be necessary to accomplish such repairs and improvements and make an itemized report to the county commission in that behalf, all of which shall be paid out of the maintenance fund of that district.

4. If it shall be found by the county commission that repairs and improvements are necessary to be made at a cost in excess of the money available from the maintenance fund, then it should be the duty of the county commission to direct such repairs or improvements to be made as may be necessary and can be paid out of the maintenance fund and to cause the clerk thereof to set the hearing of the matter of the levying of an additional tax for such improvements as cannot be made out of the maintenance fund,

for hearing on the first day of the next regular term of the county commission and to give notice of such hearing by publication in three issues of some weekly newspaper published in the county, the last insertion to be prior to the day set for the hearing, which said notice may be in the following form:

Notice is hereby given to the landowners of drainage district No. _____ of _____ County, Missouri, that a statement has been filed with the undersigned clerk by five or more landowners of said district, alleging that the ditches or other improvements of said district, should be enlarged, cleaned out, have obstructions removed, or new work done and that the district engineer has viewed the premises and reported to the county commission the necessity for repairs and improvements in excess of the money available from the maintenance fund and that said statement and report of the engineer has been set down for hearing on the first day of the next _____ term of the county commission and unless good cause to the contrary be shown, the county commission will make an order requiring the district engineer, or an engineer of their selection, as the case may be, to cause said ditches to be enlarged, cleaned out, obstructions removed therefrom and new work done as may be determined by the commission and the cost of said work will be divided pro rata according to the original assessment of benefits against the lands included in such drainage district.

Clerk of the county commission of _____ County,
Missouri.

(RSMo 1939 § 12435)

Prior revisions: 1929 § 10845; 1919 § 4513; 1909 § 5613

8/28/1939

243.230. County commission procedure after hearing. — 1. On the day set for the hearing of the statement described in section [243.220](#), the county commission shall hear and summarily determine the matter. If the county commission finds that the owners of a majority in acreage of said district have signed said statement, or have joined in the prayer of said statement by motion or otherwise, then the county commission shall find in favor of making the improvement and shall order the district engineer or county highway engineer to go upon said premises, investigate the same and report to the county commission what in his opinion it will cost to restore the said ditch, drain or levee to an efficient condition.

2. Upon the filing of the report by the district engineer or county engineer of the probable cost of such work, the county commission shall thereupon deduct from such estimated costs plus ten percent for emergencies, the amount of maintenance funds in the hands of the county treasurer or other person having custody of such funds, to the credit of said district, and such portions of the maintenance funds so deducted, if the county commission find in favor of making such improvement, shall thereafter stand appropriated and set aside for the doing of such work; and if the maintenance fund is not sufficient to pay such estimated costs plus ten percent for emergencies the county commission shall divide the residue of the estimated costs of any such work plus ten percent for emergencies pro rata according to the original assessments of benefits against the land and other property assessed for benefits in such drainage districts, and the county clerk shall place the same upon the tax books against the land and other property to be collected as other drainage taxes. The county commission may direct that the tax be paid in annual installments, not exceeding five.

3. If the county commission finds in favor of the work, it shall order the district engineer or county highway engineer to have the work done and superintend the same, and from time to time bring into the county commission a statement of the progress of the work, and the amount due thereon shall be paid by order of the county commission, on warrants to be drawn on the maintenance funds of the district benefitted; provided, however, if the county commission has purchased a dredge boat, tools, or other machinery as authorized by section [243.330](#) and such dredge boat, tools or other machinery are to be used in such contemplated work, before any payments for work done shall be made out of maintenance funds an estimate shall be made by the county commission of a reasonable rental value for the use of the dredge boats, tools and other machinery to be used by such district in such contemplated work, or an estimate of such amount as shall be reasonably necessary to take care of all repairs and depreciation on the dredge boat, tools and other machinery used in said work and occasioned thereby, both of which estimates to include the cost of removing said dredge boat, tools and other machinery after the completion of said work to a point to be designated by the county commission, and such amount first set apart and appropriated for such purpose and transferred into the general fund created by section [243.330](#) for the purchase of a dredge boat, tools and other machinery. The dredge boats, tools and other machinery provided for in this section may be used for said work, and the district engineer or county highway engineer shall keep a strict account of the cost of doing such work, including the repairs and depreciation of machinery and shall file his report of same with the county commission, where same shall be and become a permanent part of the record and files of such drainage district. Review may

be had of an order of the county commission made in this section as is otherwise provided by law for review of orders of county commissions.

(RSMo 1939 § 12436, A.L. 1945 p. 858)

Prior revisions: 1929 § 10846; 1919 § 4514; 1909 § 5614

8/28/1945



243.240. County commissions to maintain efficiency and have management and control. — 1. It shall be the duty of the several county commissions of this state to maintain the efficiency of the drainage districts now or hereafter organized and existing under and by virtue of the provisions of this chapter and such commissions are vested with the continuous management and control of said districts with the duty and power of maintaining, preserving, restoring, repairing, strengthening and replacing the drains, ditches and levees thereof.

2. For the purpose of maintaining said ditches, drains and levees, all of the drainage districts in a county on a petition filed by a majority of the landowners owning the majority of the acres of land in each district of such county, may be treated and administered as a unit for such purpose in conformity with all the provisions of sections [243.220 to 243.240](#), [243.280](#), [243.330](#), and [243.380](#).

(RSMo 1939 § 12433)

Prior revisions: 1929 § 10843; 1919 § 4511

8/28/1939

243.250. Lateral ditches — drains — may be connected — provisions — penalty for violation. — 1. Any person, persons or corporation shall be permitted to construct lateral ditches or drains for the purpose of draining water into any of the ditches, drains, or watercourses constructed by a district organized under the provisions of this chapter, provided that such lateral ditch or drain shall enter such ditches, drains or watercourses through boxes or tiling to be placed at the intersection of such lateral ditches or drains with the ditches, drains or watercourses constructed by a district organized under the provisions of this chapter. Such tiling or boxes shall be as large as the lateral ditch constructed and at least fifteen feet in length.

2. All persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

(RSMo 1939 § 12442)

Prior revisions: 1929 § 10852; 1919 § 4519; 1909 § 5625

(1958) To allow surface water collected by a private levee on owner's land to enter district watercourse, already receiving water from lateral No. 17 by means of steel tubing installed in road-levee, was not an unlawful change in the adopted plan of reclamation nor an expenditure of public funds for a private purpose. *Rice v. Stoddard (A.)*, 312 S.W.2d 374.

8/28/1939

243.260. Districts may contract with other districts for outlets — costs determined, how. — Drainage districts organized or incorporated under this chapter may contract with each other, and with districts organized and incorporated under any other law of this state or under the laws of other states, for such outlet or outlets as the one may need and the other can furnish on such terms as may be deemed to be just and fair. The cost of obtaining such outlet or outlets to be paid as other expenses of the district for making improvements. If the districts cannot agree upon the compensation to be paid for the outlet, the district supplying the outlet, by action in the circuit court of the county wherein the district for which the outlet is supplied is organized, may recover from such district fair and just compensation for supplying the outlet. Any compensation received by the district shall be applied to improving its ditches or levees or reducing taxation or indebtedness.

(RSMo 1939 § 12431, A.L. 1959 S.B. 182)

Prior revisions: 1929 § 10841; 1919 § 4509; 1909 § 5628

CROSS REFERENCE:

Political subdivisions may contract for common sewers and facilities, 70.210 to 70.320

8/28/1959



243.270. Drainage district may contract to furnish drainage for cities and towns. — A drainage district may contract with any city, town or village to furnish an outlet for the drainage of such city, town or village, through any ditch, drain or watercourse constructed, or to be constructed by the drainage district, for such compensation to be paid by such city, town or village as may be agreed upon, which compensation shall inure to the benefit of such drainage district, either in improving its ditches, or in diminishing the original cost thereof, or in retiring bonds of the district, or in such way as the county commission shall determine to be just and fair; and thereafter said city, town or village, and the inhabitants thereof, shall have and enjoy all the rights of said drainage that other property owners may have and enjoy.

(RSMo 1939 § 12428)

Prior revisions: 1929 § 10838; 1919 § 4506; 1909 § 5627

8/28/1939

243.280. Equipment may be leased or rented — provisions. — Whenever there exists no immediate need for the use of the dredge boat, tools and other machinery authorized to be purchased by section [243.330](#) by districts contributing to the purchase thereof, then it shall be lawful for the county commission to lease or rent the same to any drainage or levee district for the doing of work in such county, upon such terms and conditions as said county commission shall by order of record impose; provided, however, that such county commission shall not lease or rent the same beyond a reasonable time; and provided further, that at least a reasonable rental value of same, or an amount sufficient to take care of all necessary repairs and depreciations caused and occasioned by the doing of the work contemplated, shall be first agreed upon and such amount paid into the general fund created by section [243.330](#) for the purchase of such dredge boat, tools and other machinery before same shall be so leased or rented.

(RSMo 1939 § 12437)

Prior revision: 1929 § 10847

8/28/1939

243.290. County commission to levy tax to pay preliminary expense. — 1. As soon as any district has been incorporated and established as provided in sections [243.020](#) to [243.070](#), the county commission shall, by order entered of record, levy a uniform tax of not more than fifty cents per acre upon each acre of land and other property within the district, to be used for the purpose of paying expenses incurred or to be incurred in organizing said district, making surveys of the same and assessing benefits and damages and paying the other expenses necessary to be incurred before said commission shall be empowered to levy taxes or issue bonds and thereby provide funds to pay the total cost of the improvements of the district. Said tax shall be due and payable as soon as assessed and shall become delinquent if not paid by December thirty-first of the year in which it has been levied. It shall become a lien on the land and other property against which it is levied and shall be collected in the same manner as the annual installment of the drainage tax.

2. In case the sum received from such tax exceeds the total cost of items for which the same has been levied, the surplus shall be placed in the general fund of the district and used to pay cost of construction; provided, that if the report of the viewers assessing benefits and damages to the property, as confirmed by the county

NUMBER _____, _____ COUNTY, MISSOURI.

This is to certify that by virtue and authority of the provisions of chapter 243, RSMo, the county commission of _____ County, Missouri, did on the _____ day of _____, 20_____, by its order of record, levy the following taxes upon the land and other property in drainage district number _____ of said county, to which benefits have been assessed, for the purpose of constructing the proposed improvements therein and paying the interest on the bonds of said district and did cause the same to be apportioned to and levied upon each tract of land or other property in said drainage district in proportion to the said assessed benefits, as follows, to wit: (Here shall follow a schedule showing in properly ruled columns, first, the names of the owners of said lands or other property as they appeared in the report of the viewers and engineers assessing the benefits; second, the descriptions of the said lands or other property opposite the names of said owners; third, the amount of benefits assessed and confirmed against each tract of land or other property; fourth, the amount of said taxes levied on each tract of land or other property. There shall be a fifth blank column for such other information as may be necessary.) (After the said schedule the certificate shall be continued as follows:) The said taxes shall be payable in the following installments:

In the year _____, the sum of \$_____ or _____ percent of the assessed benefits in the years _____, the sum of \$_____ or _____ percent of the assessed benefits in the year _____, the sum of \$_____ or _____ percent of the assessed benefits in the year _____, the sum of \$_____ or _____ percent of the assessed benefits in the year _____, the sum of \$_____ or _____ percent of the assessed benefits. The amount of each installment, as well as the amount of the maintenance taxes, will be certified to the county collector of this county not later than the first day of September of the year in which the same is due and payable and shall be collected during said year at the same time that state and county taxes are due and payable. The aforesaid taxes and such maintenance taxes as may be levied from time to time are hereby declared a lien upon all land and other property herein and heretofore described to which only the lien of the state for general state, county, school and road taxes shall be paramount. Done by order of the county commission of _____ County Missouri. Witness my signature as county clerk, attested by the seal of the county commission of _____ County, Missouri, this _____ day of _____, 20_____.

County clerk of _____ County, Missouri.

(RSMo 1939 § 12412)

Prior revisions: 1929 § 10823; 1919 § 4491

8/28/1939

243.310. Permanent drainage tax record shall be kept — method — additional levies. — 1. The list and schedule specified in section [243.300](#) shall be prepared in the form of a well-bound book which shall be named and endorsed "Drainage Tax Record of Drainage District Number _____ of _____ County, Missouri", which endorsement shall also be printed or written at the top of each page in said book and the same shall be signed by the county clerk, attested by the seal of the county commission and shall hereafter remain a permanent record in the office of said clerk.

2. In case the proceeds of the taxes levied as provided in this chapter are not sufficient to construct the improvements as described in the report of the viewers and engineer as confirmed by the county commission, then the county commission shall make, certify and provide for the collection of such additional tax levies as are necessary to complete the improvement; provided, however, that the aggregate of all such levies, exclusive of taxes levied for interest on bonds, does not exceed the total benefits assessed and confirmed.

3. If any sum be needed to pay any judgment against the district and upon the filing of a certified copy of said judgment with the clerk of the county commission, it shall be the duty of the county commission, at the next term, to levy sufficient taxes to pay the same and to add thereto sufficient taxes to pay the interest on said judgment. The commission shall levy, certify and provide for the collection of said taxes as provided in this chapter and shall apportion the same to the lands or other property in proportion to the original assessment of benefits, but not in excess thereof, and if in excess thereof then in such proportion as will not, with other lawful tax levies, made and collected be in excess of the benefits reported by the viewers and confirmed by the county commission.

(RSMo 1939 § 12413)

Prior revisions: 1929 § 10824; 1919 § 4492

8/28/1939

243.320. Public roads and railroads to pay benefits. — When any ditch constructed under the provisions of this chapter drains, either in whole or in part, or benefits any

public or corporate road or railroad, there shall be apportioned to the county, if a county or state or free turnpike road, or if a corporate road or railroad, to the company owning, operating or controlling the same, the same proportion of the cost of location and construction of the improvement in proportion to the benefits received as to private individuals.

(RSMo 1939 § 12430)

Prior revisions: 1929 § 10840; 1919 § 4508

8/28/1939



243.330. Maintenance tax, how apportioned — commission may purchase equipment — cost apportioned, how. — 1. The county commission shall have power and it shall be its duty at the May term of the commission of each year to levy a tax upon each tract of land or other property within each district sufficient to maintain, reserve, restore, repair, strengthen and replace the drains, ditches, levees and other works of the district for whose benefits such tax is levied. Said tax shall be known as a "maintenance tax" and shall be apportioned upon the basis of benefits assessed for the original construction and shall be limited in any one year to ten percent of the original cost of construction. The tax shall be entered in a separate column in the ditch tax books opposite each tract of land or other property in the district by the county clerk, and shall be certified to the county collector, or other person duly authorized and by him collected in the same manner and subject to the same penalties for delinquency as the annual installment tax.

2. All taxes derived from the assessments herein referred to shall be the absolute property of the drainage district under authority of which they were levied and assessed and shall be placed to the credit of the maintenance fund of the drainage district; except that the county commission may, on request, set aside from time to time a portion of the tax from each of one or more districts in the county into a fund to be used by the county commission for the purchase of dredge boats, tools and other machinery to be used in the maintenance and preservation of the ditches, drains and levees of the participating districts. The portion appropriated from each district to be so used shall be determined by dividing into two equal parts the estimated cost of the dredge boats, tools and machinery purchased. One such part shall be apportioned in the ratio that the total benefit assessments in each participating district assessed for original construction bears to the aggregate total assessed benefits for original construction in all the participating districts, and the other part shall be apportioned in the ratio that the total yards of excavation or yardage moved, as the case may be, in

constructing the original improvements in each participating district bears to the total yards of excavation or yards moved in constructing original improvements in all of the participating districts.

3. The dredge boats, tools and other machinery so purchased, shall be and become the general property of the participating districts, and be used under the direction of the county commission in the cleaning and restoration of any such ditch, drain or levee in said districts to its original size and condition; providing, however, that nothing contained in this section shall prevent the county commission from maintaining, preserving, restoring, repairing, strengthening and replacing the drains, ditches, levees and other works of any district and the use of its maintenance funds therefor, without purchasing dredge boats, tools or other machinery.

(RSMo 1939 § 12434, A.L. 1953 p. 547)

Prior revisions: 1929 § 10844; 1919 § 4511

8/28/1953

243.340. Privilege to pay drainage tax in full. — The owner of any land or other property taxed for the construction of any improvement under the provisions of this chapter, shall have the privilege of paying such tax to the county treasurer at any time on or before a date to be fixed by the county commission prior to the issuance of bonds payable from said taxes and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. He shall present the treasurer's receipt therefor to the county clerk, who shall enter upon the drainage tax record opposite each tract for which payment is made the words "paid in full" and such tax shall be deemed satisfied.

(RSMo 1939 § 12414)

Prior revisions: 1929 § 10825; 1919 § 4493

8/28/1939

243.350. Apportionment of annual installments — drainage tax book, form — taxes due, when. — 1. Each year the county clerk shall apportion the amount of the annual installment, or the aggregate of the installments which the commission has provided shall become due and payable in that year and the maintenance taxes, if any, against the land and other property in the drainage district in proportion to the benefits assessed.

2. The said annual installment and maintenance taxes when so apportioned shall be extended by the clerk in a well-bound book which shall be designated and endorsed

"Drainage Tax Book of Drainage District Number _____ of _____ County, or _____ Township of _____ County, Missouri, for the year 20_____", which endorsement shall also be written or printed at the top of each page. There shall be set out in properly ruled columns of said book the following:

- (1) The names of the present owners of said land and other property so far as now known;
- (2) Description of the land and other property;
- (3) Amount of said installment or installments of tax levied on the corresponding tract of land or other property;
- (4) Amount of maintenance tax, if any, levied against said tract of land or other property;
- (5) A blank column in which the collector shall record the several amounts as collected by him;
- (6) A blank column in which the collector shall record the date of payment of the different sums;
- (7) A blank column in which the collector shall record the names of the person or persons paying the several amounts, if other than the person whose name appears in column one hereof.

3. The county clerk shall prepare and deliver the said drainage tax book to the collector of the revenue of the county, or township, not later than September thirtieth of each year in which the installment and maintenance taxes, if any, are due and payable, and the said taxes shall become due and be collected during said year at the same time that state and county taxes are due and collected.

(RSMo 1939 § 12415, A.L. 1953 p. 538, A.L. 2017 S.B. 112)

Prior revisions: 1929 § 10826; 1919 § 4494; 1909 § 5602

8/28/2017



243.360. Drainage tax — collector to furnish bond. — 1. It shall be the duty of the collector of revenue of each county in which lands or other property of any drainage district organized under this chapter are situate, to receive the drainage tax book each year and he shall promptly and faithfully collect the tax therein set out and to exercise all due diligence in so doing.

2. He shall demand and collect such taxes at the same time that he demands and collects state and county taxes due on the same lands and other properties. Where any tract or part thereof has been divided and sold or transferred, the collector shall receive taxes on any part of any tract, piece or parcel of land or other property, charged with such taxes and give his receipt accordingly. The drainage tax book shall be the warrant and authority of the collector for making such demand and collection. The collector shall pay over and account for all moneys collected thereon each year to the county treasurer at the time he pays over state and county taxes.

3. The collector shall give bond payable to the drainage district for the probable amount of all drainage taxes to be collected in any one year conditioned for the faithful performance of all his duties in accordance with this chapter. Such bond shall be signed by at least two residents of the county or by a surety company authorized to transact business in the state. The bond shall be approved by the county commission and the premium, if any, may be paid out of any funds belonging to the district.

(RSMo 1939 § 12416, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10827; 1919 § 4495; 1909 § 5635

8/28/1990

243.370. Drainage taxes constitute a lien — court action when delinquent — proceedings — evidence. — 1. All drainage taxes provided for in this chapter, including maintenance taxes, together with all penalties for default in payment of the same, all costs in collecting the same, including a reasonable attorney's fee to be fixed by the court and taxed as costs in the action brought to enforce payment, shall from date of the levying of the same by the county commission as provided in this chapter, until paid, constitute a lien, to which only the lien of the state for state, county, school and road taxes shall be paramount, upon all of the lands assessed, and shall be collected, in the same manner as state, county and school taxes upon real estate are collected.

2. The said tax shall become delinquent if not paid on or before the thirty-first day of December of the year for which said taxes were levied, and when so delinquent shall bear interest at the rate of one percent per month until paid, each fractional month being counted as a full month.

3. The liens established and declared in this section may and shall be enforced by an action on delinquent tax bills, made and certified by the county collector which shall be instituted in the circuit court without regard to the amount of the claim within six months after December thirty-first of the year for which said taxes were levied. The

suit shall be brought by the attorney for the drainage district in the name of, and to the use of, the collector of the revenue, of the county wherein the land lies, against the land or other property, on which such drainage tax has not been paid.

4. 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 the state's lien for delinquent general taxes upon real estate. All sales of lands made under this section shall be by the sheriff, as is now provided under the general revenue law. All sheriff's deeds executed and delivered, pursuant to this chapter, shall have the same probative force as deeds executed under judgments for delinquent general state taxes and in actions instituted under this chapter. The same abbreviations shall be allowed and the aforesaid drainage tax book shall have the same probative effect as the back tax bill has in actions for the enforcement of the state's lien for general taxes upon real estate.

5. The title acquired through any sale of lands or other property under the aforesaid proceedings shall be subject to the lien of all subsequent annual installments of drainage tax. In all suits for the collection of delinquent taxes, the judgment for said delinquent taxes and penalty shall also include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax and in the same suit. The proceeds of sales made under and by virtue of this chapter shall be paid at once to the county treasurer and shall be accounted for by him the same as the drainage taxes.

6. The drainage tax books of this district shall be prima facie evidence in all courts of all matters therein contained.

(RSMo 1939 § 12417)

Prior revisions: 1929 § 10828; 1919 § 4496; 1909 §§ 5599, 5600

CROSS REFERENCE:

Delinquent taxes, drainage districts may redeem land, when, 140.380

8/28/1939

243.380. Surplus funds, how used. — When the improvements of a district have been completed and paid for, and all costs and expenses of the district paid, if there remains on hand to the credit of such district any funds not needed, the county commission may prorate back to the taxpayers all or any part of such funds not needed or may use the same for maintenance in lieu of the maintenance taxes.

(RSMo 1939 § 12432)

Prior revisions: 1929 § 10842; 1919 § 4510

8/28/1939



243.390. Drainage district bonds — provisions for issuance. — 1. The county commission may issue bonds for and on behalf of any drainage district created under this chapter, for the purpose of paying the cost of the completion of the improvement as located, described and set forth in the report of the viewers and engineer, as confirmed by the county commission and the payment of all duly authorized expenses incident thereto. The aggregate par value of such bonds shall not exceed the taxes levied to pay the cost of the improvement and the expenses incident thereto as provided in this chapter, exclusive of the ten percent for emergencies and the amount added to the tax levy to meet the interest on the bonds of the district.

2. Any bonds issued hereunder shall be in denominations of one hundred dollars and multiples thereof and shall bear interest at a rate not to exceed six percent per annum, payable semiannually, shall be payable as to principal and interest at the office of the county treasurer and shall be signed by the presiding commissioner of the county commission and attested by the signature of the county clerk and the official seal of the county commission. A substantial amount of the total bonds issued to construct the improvement shall mature each year beginning not later than five years from the date of delivery for value of the first bonds. None of said bonds shall mature more than twenty years after date of issue of same.

3. Bonds issued hereunder shall be signed and delivered to the county treasurer and shall be sold by him, with the consent and approval of the county commission, at not less than ninety-five percent of the par value plus accrued interest. Said bonds may be prepared, dated and executed at one time and when delivered for value in accordance with the terms of the contract of purchase shall be held to be the obligations of the district though executed by officials other than those in office at the time of delivery for value; provided, the officials signing them were such officials at the time the bonds were signed. Said bonds shall show upon their face the purpose for which they are issued and the principal and interest thereof shall be payable from the proceeds of the taxes levied upon the land and other property in the drainage district as provided in this chapter. At the times any bonds are issued, a sufficient amount of the said drainage taxes shall be set aside and appropriated to pay the principal and interest of said bonds and it shall be the duty of the county commission to arrange and determine the annual installments of said taxes so as to provide funds in due time for

the payment at maturity of the principal and interest of any bond authorized and issued hereunder. The proceeds of any taxes so appropriated shall be used for the purpose of paying the principal and interest of said bonds and no other.

4. If necessary to promptly pay said bonds and the interest thereon the county commission shall rearrange the schedule of annual installments made at the time the taxes were levied and shall also make such additional tax levies as are necessary and shall provide for the collection of the same at such times as will produce the required amounts. Under no circumstances shall the county commission make any tax levies which will in any manner, or to any extent, impair the security of the bonds issued hereunder or the fund available for the payment of the principal and interest of the same. Bonds and coupons not paid at maturity shall bear interest at the rate of six percent per annum until paid.

5. If deemed advisable, the county commission may, by its order of record, select especial depository or depositories for the proceeds of any bonds issued hereunder as temporary treasurer or treasurers to hold and disburse said funds to the county treasurer as the work progresses, on the order of the county commission, provided said special depository shall secure said funds by approved collateral or by the bond or bonds of a surety company or surety companies authorized to transact business in Missouri, the premium or premiums on which bond or bonds may be paid out of any funds belonging to the drainage district.

(RSMo 1939 § 12418)

Prior revisions: 1929 § 10829; 1919 § 4497; 1909 § 5603

CROSS REFERENCES:

Bond issues, proceeds and moneys for interest and sinking fund to be kept separate, 108.180 to 108.210, 108.230

Refunding bonded indebtedness, procedure, 108.140 to 108.160

8/28/1939

243.400. County commission authorized to pledge bonds — manner. — 1. Bonds issued under the authority of section [243.390](#) or refunding bonds issued to refund any or all such bonds may be pledged by the county commission to any corporation, commission or agency created or authorized by congress or the state of Missouri to accept a pledge of such bonds, and the county commission is authorized to pledge the bonds of any drainage district created under this chapter in a manner to conform to the requirements, rules and/or regulations of any such corporation, commission or agency.

2. Upon a pledge of any such bonds as by this section authorized, funds shall be provided to redeem said bonds and interest thereon from the terms of such pledge in the same manner as if said bonds had been sold, and the lien of pledged bonds and interest thereon shall be enforced in the same manner as provided in this chapter for bonds sold.

3. Funds derived from a pledge of any such bonds shall be deposited, accounted for and expended in the same manner as if such bonds had been sold or as may be provided by the requirements, rules and/or regulations of the corporation, commission or agency accepting a pledge of such bonds and advancing funds thereon.

(RSMo 1939 § 12419)

8/28/1939

243.410. County treasurer to be custodian of district funds — duties. — 1. The treasurer of the county in which a drainage district is located shall act as treasurer of the district and shall be the custodian of the funds of the district, except as otherwise provided in this chapter.

2. He shall receive and receipt for all such funds and shall enter into a separate bond for each district in the county in a sum to be fixed by the county commission, not less than the probable amount of funds of said district to be in his possession at any one time. Such bond shall be payable to the district, shall be approved by the county commission, shall be signed by two or more residents of the county or by a surety company authorized to transact business in the state and shall be conditioned for the faithful and prompt disbursement according to law of all such funds as shall from time to time be in his possession. The premium on such bond may be paid by the district.

3. Except as otherwise provided in this chapter, the treasurer shall keep all district funds received by him deposited in a bank or banks selected in the same manner and at the same time that the depository for county funds is selected. All interest accruing on district funds shall be credited to the district and any premium on a surety bond may be paid by the district.

(RSMo 1939 § 12422, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10832; 1919 § 4500; 1909 § 5634

8/28/1990



243.420. Fees for services. — 1. The fees allowed by county commissions for services actually rendered drainage districts organized under the provisions of this

chapter shall be determined by the county commission.

2. The county commission shall have power to contract for any of the aforesaid services. All expense accounts shall be accompanied by vouchers showing the items actually paid.

(RSMo 1939 § 12450, A.L. 1983 H.B. 236)

Prior revisions: 1929 § 10860; 1919 § 4527; 1909 § 5618

8/28/1983

243.430. Claims for fees, how paid. — Until the proceeds of taxes or bonds are available, all fees under this chapter shall be paid out of the county treasury when claims therefor are allowed by the county commission, and the general county fund shall be reimbursed out of the money realized from the sale of bonds or collection of taxes.

(RSMo 1939 § 12451)

Prior revisions: 1929 § 10861; 1919 § 4528; 1909 § 5619

8/28/1939

243.440. Drainage proceedings to be recorded — method. — A complete record of all proceedings under this chapter shall be kept by the county clerk in a separate book to be secured for that purpose. The book shall be designated as the "Drainage Record of _____ County, Missouri", and shall also have recorded therein all papers, documents, bonds and plats filed in any drainage proceeding in that county. It shall be the duty of the county commission to have the accounts of each drainage district audited each year and the auditor's report shall be recorded in the drainage record.

(RSMo 1939 § 12421)

Prior revisions: 1929 § 10831; 1919 § 4499

8/28/1939



243.450. All or portions of districts may reorganize and consolidate under sections 242.010 to 242.690. — 1. Two or more districts organized under the provisions of this chapter may come within, and operate under sections [242.010 to 242.690](#), and portions of two or more districts organized under the provisions of this chapter may come together and operate under sections [242.010 to 242.690](#) whenever the owners of one-fourth of the acres of land in the proposed consolidated district sign and present a

petition to the circuit court of the county in which there lies the greatest acreage of land in the proposed consolidated district, stating therein:

- (1) The numbers or corporate name or names of such district or districts to be included in whole or in part;
- (2) The boundaries of each district or portion of district separately;
- (3) The boundary lines of the proposed consolidated district;
- (4) The approximate number of acres of land in each district or portion of district;
- (5) The approximate number of acres of land in the proposed consolidated district;
- (6) The approximate amount of the benefits reported and apportioned by the viewers and confirmed by the county commission in each district or portion of district;
- (7) The aggregate amount of such benefits as ascertained, apportioned and confirmed;
- (8) The amount of bonds issued, by each district, giving the amount, dates, numbers, denominations, maturities, rate of interest, and where payable;
- (9) The aggregate amount thereof; and
- (10) The number of years it is to continue.

2. In such petition it shall be asked that the court adjudge such districts or portions of districts to be a body corporate, for a number of years not exceeding the time named in the petition, and under the name of "Consolidated Drainage District No. _____ of _____ County, Missouri".

(RSMo 1939 § 12446, A.L. 1963 p. 394, A.L. 1986 S.B. 488)

Prior revisions: 1929 § 10856; 1919 § 4523

8/28/1986

243.460. Notice to be published — form — jurisdiction of circuit court. —

1. When such petition shall have been filed in the office of the clerk of the circuit court of the county wherein lies the greatest number of acres in the proposed consolidated district, the clerk shall immediately cause to be published in some newspaper in each county having lands in the proposed district three consecutive weeks, three times, a notice, substantially in the following form:

To all persons owning or interested in any lands in drainage districts numbered _____, _____ County, Missouri:

Notice is hereby given to all persons owning or interested in

any lands in drainage districts Nos. _____, _____ County, Missouri, that a petition has been filed in my office asking that the aforesaid districts be consolidated into one district, and adjudged a public corporation to continue as such for a term of _____ years, under the name of "Consolidated Drainage District No. _____ of _____ County, Missouri", and that said petition will be heard on the _____ day of _____, 20_____.

Clerk of the circuit court of _____ County, Missouri.

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

(RSMo 1939 § 12447, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 10857; 1919 § 4524

Effective 1-2-79

1/2/1979

243.470. Objections to petition for consolidation may be filed — proceedings. —

1. Any owner of real estate or other property in said proposed district objecting to the organization and incorporation of said drainage district, who did not sign the petition, shall, on or before the first day of the term of court at which the cause is to be heard, file his objection or objections to the organization and incorporation of any consolidated drainage district.

2. Such objection or objections shall be limited to a denial of the statements in the petition, and shall be heard by the court in a summary manner, without unnecessary delay, and if the petition is signed by the owners of a majority of the acreage of land in the proposed consolidated district, then it will be the duty of the court to grant the prayer of the petition and organize and incorporate the district as in the case of organizing and incorporating a district in the first instance under sections [242.010 to 242.690](#). But if such petition shall be signed only by the owners of less than one-half of the acres of land in such district or districts, then it shall be discretionary with the court whether the prayer of the petition be or be not granted. If the said petition be verified by one or more signers, it shall be prima facie evidence of the statements and allegations therein contained. Any person having signed the petition shall have no right to have said 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.

3. Within sixty days after the said 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 said district, and the same shall be filed in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed under the general law concerning corporations. A copy of said findings and decree, together with a plat of the district, shall also be filed in the office of the county recorder in each of the counties having lands and other property in said district, where the same shall become a permanent record, and each such recorder shall receive a fee of one dollar for filing and preserving the same.

4. Thereafter such proceedings shall be had as is provided by sections [242.010 to 242.690](#). This chapter shall not be construed to be repugnant to, in conflict with, or as repealing any other law or laws of this state relating to the organization or incorporation of levee or drainage districts; but shall be held and construed to be cumulative thereto.

(RSMo 1939 § 12448)

Prior revisions: 1929 § 10858; 1919 § 4525

8/28/1939



243.475. Consolidation of district organized by circuit court and district organized by county commission, effect — laws governing. — 1. Any district organized under the provisions of this chapter may become consolidated with a district organized under the provisions of [chapter 242](#) and the resulting consolidated district may operate under the provisions of sections [242.010 to 242.690](#) whenever the owners of a majority of the acres of the district operating under [chapter 242](#), together with the owners of a majority of the acres of the district with which such district desires to be consolidated, sign and present a petition to the circuit court of the county in which there lies the greatest acreage of land in the proposed consolidated district, stating therein:

- (1) The number or corporate name of each district;
- (2) The boundaries of each district, separately stated;
- (3) The boundary lines of the proposed consolidated district;
- (4) The number of acres in each district;

(5) The amount of assessed benefits in each district;

(6) The amount of bonds outstanding in each district, giving the annual dates, numbers, denominations*, maturities, rate of interest, dates of future payments and when payable; and

(7) The number of years the consolidated district is to continue.

The petition shall request the circuit court to adjudge the consolidated district to become a body corporation for a number of years not exceeding the time named in the petition and under the name of Consolidated Drainage District No. _____ of _____ County, Missouri.

2. Upon the filing of the petition provided for in subsection 1 of this section, the circuit clerk shall give notice of such filing in the manner provided for giving notice in section [242.030](#), which notice shall state the contents of the petition, the objects sought by the petition, and the date on which the petition is to be heard. Any person owning land in either of the districts which are the subject of the petition may, on or before the date set out in the notice on which the matter is set to be heard, file objections to the consolidation. If the objections made under this subsection are overruled, or if no objections are made, the court shall order that the districts asking to be consolidated shall be consolidated as one district under the designation requested in the petition, with all the rights, powers and privileges of districts organized under sections [242.010 to 242.690](#), and:

(1) The lands so included in the new district shall be subject to all liens, liabilities and obligations of the original districts; except that, if any district included in the consolidated district shall have issued bonds which are outstanding at the time of the consolidation under this section, the taxes levied to pay such bonds, and the interest thereon, shall be an obligation on only the property within such original district;

(2) A new board of supervisors shall be elected as provided in sections [242.010 to 242.690](#) for the election of supervisors;

(3) All orders made in regard to the extension of time, boundaries or consolidating districts shall be spread on the records of the circuit court and a certified copy thereof shall be filed with the recorder of deeds of each county in which any land of the consolidated district is located and with the secretary of state.

3. The recorder of deeds of each county shall receive a fee of one dollar for filing and preserving each certified copy of orders described in subdivision (3) of subsection 2 of this section.

(L. 1985 H.B. 660 § 1, A.L. 1986 S.B. 488)

*Word "demonstrations" appears in original rolls.

8/28/1986

243.480. Failure or refusal of official to perform duty — penalty. — If any engineer or county commission or clerk of the circuit court or other official shall neglect or refuse to perform any duty imposed by the provisions of this chapter, he shall forfeit and pay a fine of one hundred dollars for every such refusal, to be recovered by proper process.

(RSMo 1939 § 12438)

Prior revisions: 1929 § 10848; 1919 § 4515; 1909 § 5616

8/28/1939

243.490. County collector liable, when — penalty. — If any county collector of the revenue refuses, fails or neglects to make prompt payment of the tax or any part thereof collected under this chapter to the county treasurer as provided in said chapter, then he shall pay a penalty of ten percent on the amount of his delinquency; such penalty shall at once become due and payable and both he and the sureties on his bond shall be liable therefor on his aforesaid bond.

(RSMo 1939 § 12439)

Prior revisions: 1929 § 10849; 1919 § 4516

8/28/1939



243.500. Validity of bonds issued unquestionable. — Hereafter when any bonds issued by any drainage district organized or incorporated under the laws of this state are sold for a sum or price allowed by law, and the proceeds of the sale thereof paid to the proper officer of the district, then except for the power to issue the bonds, neither the validity of them nor the tax levied to pay them shall thereafter be questioned in any court of law or equity.

(RSMo 1939 § 12420)

Prior revisions: 1929 § 10830; 1919 § 4498

8/28/1939

243.510. Suits to be brought in name of state. — Suits on bonds for costs and the performance and completion of work on contract shall be brought in the name of the state of Missouri at the relation and to the use of the drainage district.

(RSMo 1939 § 12440)

Prior revisions: 1929 § 10850; 1919 § 4517; 1909 § 5621

8/28/1939

243.520. Appeals — procedure. — The clerk of the circuit court shall docket any appeal, styling the appellant the plaintiff and the drainage district the defendant, and the cause shall stand for trial and be tried as other appeal cases are tried in the circuit court. After the trial and judgment in the circuit court, the clerk of that court shall retain the transcript of the proceedings in the county commission and retransmit to the county clerk all of the original papers filed in his office by the county clerk, together with a transcript of the proceedings had in the circuit court, including a certified copy of the finding or verdict and the judgment of the said court; the clerk of the circuit court shall also certify an itemized statement of the cost accruing on the appeal, and such costs shall be paid as provided in this chapter. After a transcript of the proceedings had in the circuit court is filed in the office of the county clerk, the county commission shall cause such entries to be made on its record as may be necessary to give effect to the judgment of the circuit court.

(RSMo 1939 § 12410)

Prior revisions: 1929 § 10821; 1919 § 4489; 1909 § 5593

8/28/1939



243.530. Chapter declared remedial in character and purpose. — 1. The repeal of article 4, [chapter 41](#), RSMo 1909, shall not have the effect of suspending, abating, abridging, impairing, vitiating, or nullifying any right, power, remedy, or lien heretofore given, created or conferred upon any drainage district heretofore organized or in process of organization at the time of passage of this chapter, under any law of this state, but all such rights, powers, remedies and liens are hereby directly preserved to all such drainage districts; nor shall the repealing of existing laws have the effect of suspending, abridging, abating or nullifying any proceeding or proceedings now pending in any court of this state or of the United States; nor shall the repealing of existing laws have the effect of impairing, invalidating, discharging, changing, modifying or destroying any obligation, contract or undertaking, entered into by, or with any drainage district now organized and existing under any law in this state, but all such obligations, contracts and undertakings so entered into shall be and remain inviolate.

2. All rights, powers, liens and remedies now existing in behalf of any drainage district of this state may be enforced and made available under the provisions of this chapter, if applicable, at the election of the drainage district. This chapter is hereby declared to be remedial in character and purposes, and shall be liberally construed by the courts in carrying out this legislative intent and purpose.

(RSMo 1939 § 12454)

Prior revisions: 1929 § 10864; 1919 § 4531

8/28/1939

243.540. Penalty for violation of provisions of chapter. — Any person, corporation, member of the county commission or municipal corporation, convicted of a misdemeanor as defined by this chapter shall pay a fine of not less than five dollars nor more than one thousand dollars, and if such violation of said chapter as the conviction is for shall not be abated by the party so convicted within thirty days after such conviction, then the continuance of such obstruction or other violation of the provisions of this chapter after said period of thirty days shall for each and every day the same is continued constitute a separate offense, for which, on conviction thereof, the party so offending shall be punished by a fine of twenty-five dollars.

(RSMo 1939 § 12444)

Prior revisions: 1929 § 10854; 1919 § 4521; 1909 § 5630

8/28/1939

243.550. Petition for reassessment of benefits, form — procedure for maintenance levy or for a new tax to pay costs of plan for reclamation. — Whenever the owners of twenty-five percent or more of the acreage of the lands in the district shall file a petition with the county commission stating that there has been a material change in the values of the property in the district since the last previous assessment of benefits or readjustment of the 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 or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in any supplemental plan for reclamation, or for both of the aforesaid purposes, the county commission shall give notice of the filing and hearing of the petition by posting such notice in a prominent place in the court house and by publication in a newspaper of general circulation in the county once a week for at least four consecutive weeks, the last insertion to be at least fifteen days prior to the hearing of the petition. The notice may be in the following form:

Notice is hereby given to all persons interested in the lands and property included within the _____ district that a petition has been filed in the office of the county commission of _____ County, _____, praying for a readjustment of the assessment of benefits for the purpose(s) of. _____, and that the petition will be heard by the county commission on the _____ day of _____, 20_____.

Clerk of _____ County

Upon hearing of the petition if the county commission finds that there has been a material change in the values of property in the district since the last previous assessment of benefits, the county commission 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 or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in any supplemental plan for reclamation, or for both of the aforesaid purposes.

(L. 1993 S.B. 56 § 243.550 subsec. 1)

8/28/1993



243.551. County commission to appoint three viewers, qualifications, duties — report, procedure — readjustment of benefits limited to once a year — payment may be by installments. — Thereupon the county commission shall appoint three viewers, possessing the qualifications of viewers appointed under section [243.050](#) to make such readjustment of assessments in the manner provided in section [243.050](#) and the viewers 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 for original construction; provided, that in making the readjustment of the assessment of benefits, the viewers shall not be limited to the aggregate amount of the original or any readjustment of the assessment of benefits and may assess the amount of benefits that will accrue from carrying out and putting into effect any supplemental plan for reclamation. After the making of such readjustment, the limitation of twenty percent of the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted, and the limitation of the tax which may be levied for payment of the costs of the completion of the proposed works and improvements shown in any supplemental plan for reclamation shall apply to the amount of the benefits as readjusted. There shall be no such readjustment of benefits more often than once in a

year. The list of lands, and other property, with the readjusted assessed benefits and the order of the county commission, shall be filed in the office of the county recorder. The petition for reassessment of benefits may request that the cost of the improvement be payable in more than one installment and if the county commission agrees in its order of assessment, the assessment shall be payable in the number of installments, not exceeding fifteen, so found to be desired, which installments shall be equal, and each tract of land in the district shall be charged with interest which shall be apportioned against the lands in the district by the same rule of apportionment as the principal assessment.

(L. 1993 S.B. 56 § 243.550 subsec. 2)

8/28/1993

243.553. Installments payable, when. — The payments of such installments, and such interest charge and the payments thereof, shall be as follows:

(1) If such order is made on or after the first day of January and before the first day of November of any year, the first installment shall be payable on the thirty-first day of December following the date of such order, with interest on the principal, at the rate of six percent per annum, from the date of such order until the first day of April after the date such installment becomes payable, and one installment shall become payable on the thirty-first day of each December thereafter with interest at such rate on the portion of the principal then unpaid, from the thirty-first day of the previous December until the first day of the following April, until the entire assessment is paid.

(2) If such order is made on or after the first day of November of any year, the first installment of such special assessment shall be payable on the thirty-first day of December of the next year after the date of such order, with interest at such rate on the principal from the date of such order until the first day of April after the date such first installment becomes payable, and thereafter an installment shall be payable on the thirty-first day of each December, with interest at such rate on the principal then unpaid, from the thirty-first day of the previous December to the first day of the following April, until the entire principal of the assessment is paid.

(L. 1993 S.B. 56 § 243.550 subsec. 3)

8/28/1993

243.560. Bond issues authorized, amount — rate — payable when — county treasurer to sell — cost, not obligation of county. — 1. The county commission may, on behalf of the district, issue bonds not to exceed ninety percent of the total amount of the assessments levied under the provisions of sections [243.550 to 243.553](#), in

denominations of not less than one hundred dollars, bearing interest from date at a rate not to exceed six percent per annum, payable semiannually, to mature at annual intervals within twenty years, commencing after a period of years, not later than five years, to be determined by the county commission, both principal and interest payable at some convenient banking hours or trust company's office to be named in the bonds, which bonds shall be signed by the presiding commissioner, attested by the signature of the county clerk.

2. All of said bonds shall be executed and delivered to the county treasurer, who shall sell the same in such quantities and at such dates as the county commission 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, shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the assessment levied under the provisions of sections [243.550 to 243.553](#). The bonds shall not be payable out of funds of the county and are not obligations of the county.

(L. 1993 S.B. 56 § 243.560 subsecs. 1, 2)

8/28/1993

243.561. County commission to appropriate money to pay principal and interest on bonds — money collected to be deposited in separate fund, purpose. — A sufficient amount of the assessment levied under the provisions of sections [243.550 to 243.553](#) shall be appropriated by the county commissioners for the purpose of paying the principal and interest of the bonds and the same 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 percent per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment, and the interest shall be appropriated by the county commission out of the penalties and interest collected on delinquent assessment 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 same, shall be paid out of other funds of the district collected for the purpose of meeting the expenses of administration.

(L. 1993 S.B. 56 § 243.560 subsec. 3)

8/28/1993

243.563. Proceeds of assessment insufficient to pay principal and interest on bonds, procedure — funds derived from bond sale, purpose. — 1. It shall be the duty

of the county commission in making assessments, as provided in this chapter, to take into account the maturing bonds and interest on all bonds, and to make ample provisions in advance for the payment thereof. In case the proceeds of the assessment made under the provisions of sections [243.550 to 243.553](#) are not sufficient to pay the principal and interest of all bonds issued, then the county commission shall make such additional levy or levies upon benefits assessed as are necessary for this purpose, and under no circumstances shall any assessment 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 the same.

2. The funds derived from the sale of the 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.

(L. 1993 S.B. 56 § 243.560 subsecs. 4, 5)

8/28/1993

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