

June 5, 1969



OPINION LETTER NO. 277

Honorable Max B. Benne  
Prosecuting Attorney  
Holt County Courthouse  
Oregon, Missouri 64473

Dear Mr. Benne:

This is in response to your request for an opinion from this office concerning the lawfulness of dumping trash on the levees of levee and drainage districts. Your immediate question was whether Section 564.480, RSMo Supp. 1967, applies. Section 564.480, subsection 1, provides:

"1. No person shall throw or place, or cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature, or description on the right of way of any public road or state highway or on the navigable waters of this state or on the banks of any navigable stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof." (Emphasis added)

It is our opinion that a levee or drainage district is a political subdivision within the meaning of this section. See Opinion No. 15, issued November 22, 1955, to the Honorable L.C. Carpenter and Opinion No. 318, issued August 1, 1968, to the Honorable Bernard W. Gorman holding that levee and drainage districts are political subdivisions for the purpose of entering into agreements with levee districts from other states and authorized agencies of the United States (copies enclosed).

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Also note Article X, Section 15, Constitution of Missouri 1945, which states that levee and drainage districts are political subdivisions for the purpose of taxing. Therefore, it is our opinion that Section 564.480 applies to the dumping of trash on lands or waters owned, operated or leased by levee or drainage districts.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Encs: Opinion No. 15  
Carpenter, 11/22/55

Opinion No. 318  
Gorman, 8/1/68