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**247.010. Formation of public corporations.** — Sections [247.010](#) to [247.220](#) are intended to make possible, through public corporations, conveniences in the use of water, ample in quantity for all needful purposes and pure and wholesome in quality, furnished from common sources of supply to many inhabitants of our state now denied such privileges; and thereby promote public health and sanitation, make available conveniences not otherwise possible, and for the general public welfare.

(RSMo 1939 § 12620, A.L. 1941 p. 353, A.L. 1945 p. 846)

8/28/1945

**247.020. Districts to be political corporations, numbered.** — The districts to be formed under sections [247.010](#) to [247.220](#) shall be known as public water supply districts of the counties in which districts are located, and shall be political corporations of the state of Missouri. Each district shall carry with it a number, which shall not be the same as any existing district of the county, and, when incorporated and organized as herein provided, shall have and be invested with all the powers conferred upon them by the provisions of sections [247.010](#) to [247.220](#) and no other.

(RSMo 1939 § 12621)

8/28/1939

**247.030. Territory included in district, contiguous — boundaries of districts, how changed — extension or enlargement of district, how.** — 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity,

provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

- (1) The board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district; or
- (2) The board of directors of the district and a majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by the board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district, the same proceedings shall be followed as are provided in section 247.040 for the filing of a petition for the organization of the district, except that no election shall be held. Upon entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. If the petition is filed by the board of directors of the district and a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. If the court finds that the annexation of such territory would be in the public interest, the court shall enter its order granting such annexation. Upon the entry of such order, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any landowner who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the landowner shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

(RSMo 1939 § 12622, A.L. 1976 H.B. 1386, A.L. 1995 H.B. 88, A.L. 1999 H.B. 450 merged with S.B. 160 & 82, A.L. 2002 S.B. 984 & 985)

8/28/2002



**247.031. Detachment from district, when — procedure — costs — petition form.**

— 1. Territory included in a district that is not being served by such district may be

detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more

than twenty-one days before the hearing date. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
 NOTICE OF THE FILING OF A PETITION  
 FOR TERRITORIAL DETACHMENT FROM  
 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_  
 OF \_\_\_\_\_ COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:  
 (Describe tracts of land).
2. That a hearing on said petition will be held before this court in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.
3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.
4. The names and addresses of the attorneys for the petitioner are:

\_\_\_\_\_  
 Clerk of the Circuit Court of  
 \_\_\_\_\_ County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In

considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections [247.010 to 247.220](#). Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

(L. 1988 H.B. 962, A.L. 2000 S.B. 741, A.L. 2002 S.B. 984 & 985, A.L. 2009 S.B. 196)

8/28/2009

**247.035. Sewer treatment facilities, construction and operation, when — procedure.** — 1. The board of directors of any public water supply district may petition the circuit court of the county containing the major part of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance and operation of common sewer treatment facilities which serve ten or more separate properties and are located wholly within the district and are not operated by another political subdivision or are not located within the certificated area of a sewer corporation as defined in [chapter 386](#) or within a common sewer district as defined in [chapter 204](#) and the operation and maintenance of all such existing sewer treatment facilities. The petition shall be filed by the board of directors and all proceedings shall be in the same manner as in an action for initial formation of a water district except that no vote of the residents of the district shall be required.

2. If the decree is amended the district shall, within ninety days after the order amending the decree, begin operation of the existing facilities which it has acquired by

gift or otherwise and shall establish and collect user charges to be determined and established in the same manner as water rates.

3. All applicable provisions of this chapter shall apply to the construction, operation and maintenance of common sewer facilities in the same manner as they apply to like functions relating to water supply.

(L. 1980 H.B. 1191)

Effective 4-30-80

4/30/1980

**247.040. Formation of public water supply district — procedure. —**

1. Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or owners of real property within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers of the petition, including a statement confirming that service has been made by certified mail to the city manager or the business office of any municipality with boundaries located not more than one mile from any boundary of the proposed district.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or

counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily newspaper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter or owner of real property in the proposed district or by any municipality with boundaries located not more than one mile from any boundary of the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict, except as provided in section [247.060](#). If no qualified person who lives in the subdistrict is willing to serve on the board, the court may appoint, or the voters may elect, an otherwise qualified person who lives in the district but not in

the subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated, otherwise against the petitioners.

9. If petitioners seeking formation of a public water supply district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decrees relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition.

(RSMo 1939 § 12623, A.L. 1978 H.B. 971 merged with H.B. 1634, A.L. 1991 H.B. 619, A.L. 1993 S.B. 392, A.L. 1995 H.B. 88, A.L. 1998 H.B. 1622 merged with S.B. 479, A.L. 1999 H.B. 450 merged with S.B. 160 & 82, A.L. 2002 S.B. 984 & 985, A.L. 2004 S.B. 987)

8/28/2004



**247.050. Powers of public water supply districts.** — The following powers are hereby conferred upon public water supply districts organized under the provisions of sections [247.010 to 247.220](#):

- (1) To sue and be sued;
- (2) To purchase or otherwise acquire water for the necessities of the district;
- (3) To accept by gift any funds or property for the uses and purposes of the district;
- (4) To dispose of property belonging to the district, under the conditions expressed in sections [247.010 to 247.220](#);
- (5) To build, acquire by purchase or otherwise, enlarge, improve, extend and maintain a system of waterworks, including fire hydrants;
- (6) To contract and be contracted with;
- (7) To condemn private property, within or without the district, needed for the uses and purposes in sections [247.010 to 247.220](#) provided for;
- (8) To lease, acquire and own any and all property, equipment and supplies needed within or without the district in the successful operation of a waterworks system;
- (9) To contract indebtedness and issue general or special obligation bonds, or both, of the district therefor, as herein provided;
- (10) To acquire, by purchase or otherwise, a system of waterworks, and to build, enlarge, improve, extend and equip such system for the uses and purposes of the district;
- (11) To certify to the county commission or county commissions of the county or counties within which such district is situate the amount or amounts to be provided by the levy of a tax upon all taxable property within the district to create an interest and sinking fund for the payment of general obligation bonds of the district and the interest thereon; and also
- (12) To create an incidental fund to take care of all costs and expenses incurred in incorporating the district, and all obligations contracted prior thereto and connected therewith; and

(13) To purchase equipment and supplies needed in the operation of the water system of the district; provided, however, that the power to create an incidental fund by the levy of a general property tax shall cease after two annual levies therefor shall have been made, and such levy shall not exceed fifteen cents per annum on each one hundred dollars assessed valuation of taxable property within the district;

(14) To provide for the collection of taxes and rates or charges for water and water service;

(15) To sell and distribute water to the inhabitants of the district and to consumers outside the district, delivered within or at the boundaries of the district; to contract with another water district or a municipality to sell water within such water district or municipality according to the terms and provisions of such contract; to contract with another water district or municipality for such water district or municipality to sell water within the district according to the terms and provisions of such contract;

(16) To fix rates for the sale of water; and

(17) To make general rules and regulations in relation to the management of the affairs of the district.

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(RSMo 1939 § 12624, A.L. 2007 S.B. 407)

CROSS REFERENCES:

Improvement district may redeem lands from tax lien, when, 140.380

Political subdivisions may contract with other political subdivisions on public improvements or facilities, 70.210 to 70.325

8/28/2007

**247.060. Board of directors — powers, qualifications, appointment, terms, vacancies, how filled — elections held, when, procedure — attendance fee — suspension of members, when.** — 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his or her election. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on

the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section [247.180](#).

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment

and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

(RSMo 1939 § 12625, A.L. 1978 H.B. 971, A.L. 1982 S.B. 526, A.L. 1989 S.B. 98, A.L. 1990 H.B. 1230, A.L. 1991 H.B. 619, A.L. 2005 H.B. 58, A.L. 2007 H.B. 795 merged with S.B. 22, A.L. 2008 H.B. 1881 merged with S.B. 956, A.L. 2011 H.B. 89, A.L. 2014 H.B. 1692)

CROSS REFERENCE:

Nonseverability clause, 640.099

8/28/2014

**247.070. Organization of board, when.** — Within thirty days after appointment or election of the board, or on the date of the first regular meeting after appointment or election of the board, whichever is earlier, the board shall meet and organize, selecting one of its number president and one vice president. It shall also select a clerk and a treasurer, neither of whom shall be members of the board. The president and vice president shall serve for one year and until their successors are selected and qualified.

(RSMo 1939 § 12626, A.L. 1990 H.B. 1065)

8/28/1990



**247.080. Board — further powers.** — 1. The exercise of the powers conferred upon the district by sections [247.010](#) to [247.220](#) shall be by its board of directors, acting as a board.

2. The board shall have power and it shall be its duty to employ necessary help and to contract for such professional service as the demands of the district require in creating and operating a waterworks system contemplated in this law, and shall pay out of the funds of the district available for such purposes reasonable compensation for the service rendered. It shall have made by a competent accountant an annual audit of the receipts and expenditures of the district. All persons employed shall serve for an indefinite term and at the will of the board, and party politics shall not enter into the selection of employees.

3. The board shall have regular monthly meetings and the president thereof may call special meetings as occasion requires. It shall establish an office for its meeting place and for the transaction of business.

4. All persons charged with handling of funds shall be required to give bond to be fixed and approved by the board, but at the expense of the district.

5. All contracts made by the district shall conform to section [432.070](#) governing contracts. It shall have power to authorize and enter into all contracts in behalf of the district, and shall provide an official seal for district, and all official documents shall be attested by the seal.

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(RSMo 1939 § 12627, A.L. 2014 H.B. 1692)

8/28/2014

**247.085. Board may contract for water supply with city, when — publication of notice — sale of property, use of funds.** — 1. The board of directors of any public water supply district shall have power to sell and convey part or all of the property of the district to any city, owning and operating a waterworks system, in consideration whereof the city shall obligate itself to pay or assume the payment of all outstanding bond obligations of the district, and to provide reasonable and adequate water service and furnish water ample in quantity for all needful purposes, and pure and wholesome in quality, to the inhabitants of the territory lying within the district, during such period of time and under such terms and conditions as may be agreed upon by the city and the board of directors of the district; provided, however, that no action shall be taken as provided herein until said city and public water supply district shall cause a printed notice of their intention to act under this section to be published in a manner prescribed for by law in a newspaper having a general circulation in said

city and public water supply district, and a statement of the time and manner of said publication shall be recited in any agreement or contract executed hereunder.

2. Thereafter the board of directors may sell and convey any remaining property of the district and after payment of the debts of the district, other than bond obligations, the board of directors may use the funds of the district for the purpose of providing fire protection or for any other public purpose which in the opinion of the board will be beneficial to the inhabitants of the district.

3. The powers granted by this section are in addition to the powers granted by law and are not subject to the terms and conditions set forth in those sections.

(L. 1951 p. 650, A.L. 2004 S.B. 987, A.L. 2005 H.B. 395)

8/28/2005

**247.090. Board — quorum.** — A majority of board members shall constitute a quorum to do business. No act of the board shall be valid unless authorized by a majority of the members of the board.

(RSMo 1939 § 12628)

8/28/1939



**247.100. Duties of officers of board.** — 1. It shall be the duty of the president to preside at all board meetings, to act as official head of the district, to execute all contracts required to be executed by the district and the board. In the absence or disability of the president, the vice president shall assume the duties of the president.

2. The clerk shall keep the official records of the meetings of the board, shall attest all official documents with the seal of the district, shall, when called upon, make reports pertaining to the business of his office, attend the board meetings, and perform such other duties as may be imposed upon him by the provisions of sections [247.010](#) to [247.220](#) and the rules of the board.

3. The treasurer shall be the custodian of the funds of the district and pay money out of the treasury only upon valid warrants drawn on the treasury. Warrants shall be signed by the clerk and countersigned by the president. He shall execute such bond for faithful performance of duty as may be required by the board, the expense of the execution of the bond, however, to be borne by the district.

4. The board may, from time to time, provide for additional rules and regulations concerning the duties of its officers.

(RSMo 1939 § 12629)

8/28/1939

**247.110. Board to fix rates and charges — delinquencies to create lien, when — procedure.** — 1. Subject to such regulation and control as may now exist in or may hereafter be conferred upon the public service commission of the state of Missouri, the fixing of rates or charges for water or water service furnished by a district incorporated under sections 247.010 to 247.220 is hereby vested in its board of directors. The rates or charges to be so fixed shall, at all times, be reasonable, but in determining the reasonableness of rates or charges, the board shall take into consideration the sum or sums required to retire outstanding special obligation bonded indebtedness of the district and the interest accruing thereon, the need for extensions of mains, repairs, depreciation, enlargement of plant, adequate service, obsolescence, overhead charges, operating expenses, and the need of an operating fund out of which the district may protect itself in emergencies and out of which the incidental expenses of the district may readily be met.

2. Any charge for water or water services levied by the board of directors of a water district shall be due at such time or times as specified by the board and may be considered delinquent if not paid by the due date. The board may assess penalties on delinquent payments owed to the district. These penalties shall not exceed a reasonable amount.

3. Upon ten days prior notice to the person to whom water service was delivered, the board of directors of a water district may cause to be filed with the recorder of deeds in the county where the land is located a legal description of the property on which water charges are thirty days or more delinquent, the names and addresses of the title owners and the amount due, provided the person who owns the property is the same person who owes for the water service delivered, which shall constitute a lien upon the land so charged. The board shall file with the recorder of deeds a notice of satisfaction when the delinquent amounts, any interest on the delinquent amounts and any recording fees or attorney fees have been paid in full.

4. The lien authorized in this section may be enforced by an action filed in the circuit court having jurisdiction in the county where water services are delivered. The pleadings, practice, process, and other proceedings in cases arising under this section shall be the same as in ordinary civil actions and proceedings in circuit courts.

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(RSMo 1939 § 12630, A.L. 1990 S.B. 525)

8/28/1990

**247.120. Board — estimation of tax levy — county commission to levy tax. —**

1. For the period and subject to the limitations contained in sections [247.010](#) to [247.220](#), the board of directors of any district organized hereunder shall, on or before the tenth day of May of each year, make estimates of the amount of taxes required to be levied to provide for the purposes of the district as specified in section [247.050](#).

2. Such estimates shall thereupon be certified by the clerk of the board and filed by the clerk of the county commission or the respective clerks of the county commissions of the counties in which the district is situate. Upon the basis of such estimates the county commission or respective county commissions shall proceed to levy a tax upon all taxable property within the district, sufficient to provide the funds required by such estimates.

3. The clerk of the county commission or respective clerks of the county commissions shall enter such levies on the tax books of the county in the same manner as school district taxes are entered, for the use of the county collector. The taxes thus levied and extended upon the tax books shall be collected and the payment thereof enforced at the same time and in the same manner as is provided for the collection and payment of taxes levied for state and county purposes and such taxes, when collected, shall be remitted by the collector or collectors of the revenue, to the treasurer of the district.

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(RSMo 1939 § 12631)

8/28/1939



**247.130. Power of districts — bond elections. —** 1. Any district organized hereunder shall have power to borrow money for any of the purposes provided for in sections [247.010](#) to [247.220](#), and to issue bonds therefor. In such event the board of directors shall proceed substantially as follows: The board shall adopt a resolution, reciting the necessity for the borrowing of money, the amount of money necessary to be raised, the purposes thereof, and the amount and type or character of bonds to be issued. Such resolution shall also fix the date of an election to be held for the purpose of testing the sense of the voters of the district on the question of incurring such indebtedness and issue bonds in evidence thereof.

2. Such resolution may submit at such election a proposal to issue general obligation bonds or special obligation bonds, or both, but in no event shall the board of directors have authority to issue bonds unless at such election the constitutionally required percentage of the qualified voters of the district voting on any general

obligation bonds shall assent thereto and a simple majority of the qualified voters of the district voting on any special obligation bonds shall assent thereto.

3. Districts organized under the provisions of sections [247.010 to 247.220](#) may issue either general obligation bonds or special obligation bonds, as herein defined; provided, however, that the type or character of bonds to be issued shall be determined by the board of directors in advance of calling the bond election and shall be stated in the notice of election as herein provided.

4. General obligation bonds, within the meaning of said sections, shall be bonds issued within the limitation of indebtedness prescribed under Section 26 of Article VI of the Constitution of Missouri, for the payment of which, both principal and interest, a direct tax may be levied upon all taxable property within the district. Before or at the time of issuing general obligation bonds, the board of directors shall provide for the collection of an annual tax, to be levied upon all taxable property within the district sufficient to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the date of such bonds; provided, however, that the net income and revenue arising from the operation of the waterworks system of such district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, shall be transferred to and become a part of the interest and sinking fund applicable to such general obligation bonds, unless or until such net revenues are pledged to the payment of special obligation bonds as herein provided.

5. Special obligation bonds, within the meaning of sections [247.010 to 247.220](#), shall be bonds payable, both as to principal and interest, wholly and only out of the net income and revenues arising from the operation of the waterworks system of any such district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, and such bonds shall not be deemed to be indebtedness of any such district within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Before or at the time of issuing any such special obligation bonds, the board of directors shall pledge such net income and revenues to the payment of such bonds, both principal and interest, and shall covenant to fix, maintain and collect rates for water and water service supplied by such district so as to assure that such net income and revenues will be sufficient for the purposes herein required.

6. All bonds issued under the provisions of sections [247.010 to 247.220](#) shall be payable serially, beginning not more than five years after the date they bear; the last installment of any general obligation bonds so issued shall be payable not more than

twenty years after such date, and the last installment of any special obligation bonds so issued shall be payable not more than thirty-five years after such date. Such bonds shall bear such rate of interest, not exceeding six percent per annum, payable annually or semiannually, shall be payable at such place or places, within or without the state of Missouri, shall be executed by the president of the board of directors, attested by the clerk of said board, under the seal of the district, and shall be of such denomination and be payable in such medium of payment, all as the board of directors may determine; provided, further, that should any bond issue fail to carry at an election held for that purpose, the board of directors shall have no power to call another election on the question of the issuance of bonds for a period of four months thereafter.

(RSMo 1939 § 12632, A.L. 1945 p. 847, A.L. 1959 S.B. 160, A.L. 1978 H.B. 971, A.L. 1990 S.B. 862)

8/28/1990

**247.140. Issuance of current revenue bonds, when.** — During the period of time given the board to levy a tax on property within the district for incidental expenses as that term is used in sections [247.010](#) to [247.220](#), the board may issue and sell current revenue bonds to bear interest at not to exceed six percent per annum, to meet the current expenses of the district incurred in advance of the revenue to be derived from such incidental tax levy, and to be paid out of such current revenue when accrued. Such bonds may be for six, nine, or twelve months and shall not exceed in the aggregate one-half of the revenue for the fiscal year for which they are issued. The president of the board of directors shall execute the bonds on behalf of the district and which shall be attested by the clerk with the seal of the district.

(RSMo 1939 § 12637)

8/28/1939

**247.150. Bonded indebtedness, how refunded — refunding bonds, conditions imposed.** — 1. Any public water supply district now or hereafter organized under the laws of this state is hereby authorized, without an election, to refund all or any part of the bonded indebtedness of such district at the time outstanding, including interest thereon.

2. Where the bonds being refunded consist of general obligation bonds payable from ad valorem taxes levied upon all taxable property situated in the district, the refunding bonds issued to refund such general obligation bonds shall be payable from ad valorem taxes levied upon all taxable property situated in the district.

3. When the bonds being refunded consist of special obligation bonds payable from the net income and revenues arising from operation of the waterworks system of such district, the refunding bonds, issued to refund such special obligation bonds, or any interest thereon, shall likewise constitute special obligation bonds and shall be payable from such net income and revenues arising from the operation of the waterworks system of the district.

4. All refunding bonds of any public water supply district shall be negotiable and shall be payable not later than the date for the final payment of the original former bonds for which such refunding bonds are issued and for which refunding bonds are delivered in exchange, except that the last installment of any special obligation refunding bonds issued for previously issued special obligation bonds shall be payable up to, but not more than, thirty-five years from the date of such special obligation refunding bonds. The refunding bonds shall bear such rate of interest, not exceeding eight percent per annum, payable annually or semiannually, and shall be in such denomination and be payable at such place or places as the board of directors may determine; provided, however, that the interest rate on the refunding bonds shall not exceed the interest rate on the bonds being refunded where such bonds are general obligation bonds payable from ad valorem taxes, but such interest rate may exceed the interest rate on the bonds being refunded if such bonds are special obligation or revenue bonds and not payable from ad valorem taxes. In no case shall the amount of the debt of such district be increased or enlarged under the provisions of this section.

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(L. 1943 p. 519 § 12638A, A.L. 1972 H.B. 1506)

CROSS REFERENCE:

Bonded debt of counties, townships, etc., may be funded, question to be submitted, how, 108.140 to 108.160

8/28/1972



**247.160. Mains and equipment conveyed to city, when — conditions. —**

1. Whenever all or any part of the territory of any public water supply district organized under sections [247.010](#) to [247.220](#) is or has been included by annexation within the corporate limits of a municipality, the board of directors of any such district shall have the power to contract with such municipality for operating the waterworks system within such annexed area, or the board of directors may, subject to the provisions of this section and section [247.170](#), lease, contract to sell, sell or convey any or all of its water mains, plant or equipment located within such annexed area to such

municipality and such contract shall also provide for the detachment and exclusion from such public water supply district of that part thereof located within the corporate limits of such city; provided, that in case of sale or conveyance, all bonds of the district, whether general obligation bonds constituting a lien on the property located within the district, or special obligation or revenue bonds constituting a lien on the income and revenues arising from the operation of the water system:

(1) Are paid in full, or

(2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue thereon, together with other items of expense provided in such bonds, is deposited with the fiscal agent named in the bonds for the purpose of full payment, or

(3) Such city has entered into a firm commitment to pay in lump sum or installments not less than that proportion of the sum of all existing liquidated obligations and of all unpaid revenue bonds, with interest thereon to date, of such public water supply district, as the assessed valuation of the real and tangible personal property within the area annexed bears to the assessed valuation of all the real and tangible personal property within the entire area of such district, according to the official county assessment of such property as to December thirty-first of the calendar year next preceding, or

(4) Consent in writing is obtained from the holders of all such bonds.

2. In any such case in which the board of directors by agreement leases, contracts to sell, sells or conveys the property of the district within the annexed area to such a municipality, an application shall be made by one of the contracting parties to the circuit court originally incorporating such district, which application shall set forth a description of the annexed area, that part thereof sought to be detached and excluded, a copy of the agreement entered into by the parties, the facts concerning bondholders and their rights, and requesting an order of the court approving or disapproving such contract.

3. Upon the filing of such application, the court shall set a time for the hearing thereof and shall order a public notice setting forth the nature of the application, the annexed area affected and sought to be detached and excluded, a description of the property within the annexed area leased, contracted to be sold, sold or conveyed, and the time and place of such hearing, to be published for three weeks consecutively, in a newspaper published in the county in which the application is pending, the last publication to be not more than seven days before the date set for hearing.

4. If the court finds that the agreement protects the bondholders' rights and provides for the rendering of necessary water service in the territory embracing the district, then such agreement shall be fully effective upon approval by the court. Such decree shall also thereupon vest in said city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of such public water supply district located within the part of such district situated within the corporate limits of such city, with full power in such city to use and dispose of such tangible real and personal property as it deems best in the public interest. In the event that territory is detached and excluded from the district, the court shall include in its decree a description of the district after such detachment. If a detachment of territory is made, the court shall also make any changes in subdistrict boundary lines the court deems necessary to meet the requirements of sections [247.010 to 247.227](#). No subdistrict changes shall become effective until the next annual election of the board of directors.

5. In the event that territory is detached and excluded from the district, a certified copy of the court's order shall be filed by the circuit clerk in the office of the recorder of deeds, in the office of the county clerk in each county in which any of the territory of the district before the detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

(L. 1949 p. 255 § 12637.1, A.L. 2008 S.B. 956)

8/28/2008

**247.165. Water service to annexed territory, agreement may be developed, procedure.** — 1. Whenever all or any part of a territory located within a public water supply district organized pursuant to sections [247.010 to 247.220](#) is included by annexation within the corporate limits of a municipality, but is not receiving water service from such district or such municipality at the time of such annexation, the municipality and the board of directors of the district may, within six months after such annexation becomes effective, develop an agreement to provide water service to the annexed territory. Such an agreement may also be developed within six months after August 28, 2001, for territory that was annexed between January 1, 1996, and August 28, 2001, but was not receiving water service from such district or such municipality on August 28, 2001, except that such territory annexed in a county of the first classification without a charter form of government and with a population of more than sixty-three thousand eight hundred but less than seventy thousand inhabitants must have been annexed between January 1, 1999, and August 28, 2001. For the purposes of this section, "**not receiving water service**" shall mean that no water is

being sold within the annexed territory by such district or municipality. If the municipality and district reach an agreement that detaches any territory from such district, the agreement shall be submitted to the circuit court originally incorporating such district, and the court shall make an order and judgment detaching the territory described in the agreement from the remainder of the district and stating the boundary lines of the district after such detachment. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections [247.110 to 247.227](#). Such subdistrict lines shall not become effective until the next election after the effective date of the agreement. At such time that the court's order and judgment becomes final, the clerk of the circuit court shall file certified copies of such order and judgment with the secretary of state and with the recorder of deeds and the county clerk of the county or counties in which the district is located. If an agreement is developed between a municipality and a water district pursuant to this subsection, subsections 2 to 8 of this section shall not apply to such agreement.

2. In any case in which the board of directors of such district and such municipality cannot reach such an agreement, an application may be made by the district or the municipality to the circuit court originally incorporating such district, requesting that three commissioners develop such an agreement. Such application shall include the name of one commissioner appointed by the applying party. The second party shall appoint one commissioner within thirty days of the service of the application upon the second party. If the second party fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the second party. Such two named commissioners may agree to appoint a third disinterested commissioner within thirty days after the appointment of the second commissioner. In any case in which such two commissioners cannot agree on or fail to make the appointment of the third disinterested commissioner within thirty days after the appointment of the second commissioner, the court shall appoint the third disinterested commissioner.

3. Upon the filing of such application and the appointment of three such commissioners, the court shall set a time for one or more hearings and shall order a public notice including the nature of the application, the annexed area affected, the names of the commissioners, and the time and place of such hearings, to be published for three weeks consecutively in a newspaper published in the county in which the application is pending, the last publication to be not more than seven days before the date set for the first hearing.

4. The commissioners shall develop an agreement between the district and the municipality to provide water service to the annexed territory. In developing the

agreement, the commissioners shall consider information presented to them at hearings and any other information at their disposal including, but not limited to:

- (1) The estimated future loss of revenue and costs for the water district related to the agreement;
- (2) The amount of indebtedness of the water district within the annexed territory;
- (3) Any contractual obligations of the water district within the annexed area; and
- (4) The effect of the agreement on the water rates of the district.

Such agreement shall also include a recommendation for the apportionment of court costs, including reasonable compensation for the commissioners, between the municipality and the water district.

5. If the court finds that the agreement provides for necessary water service in the annexed territory, then such agreement shall be fully effective upon approval by the court. The court shall also review the recommended apportionment of court costs and the reasonable compensation for the commissioners and affirm or modify such recommendations.

6. The order and judgment of the court shall be subject to appeal as provided by law.

7. If the court approves a detachment as part of the territorial agreement, it shall make its order and judgment detaching the territory described in the petition from the remainder of the district and stating the boundary lines of the district after such detachment. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections [247.110](#) to [247.227](#). Any subdistrict lines shall not become effective until the next annual regular election.

8. At such time that the court's order and judgment becomes final, the clerk of the circuit court shall file certified copies of such order and judgment with the secretary of state and with the recorder of deeds and the county clerk of the county or counties in which the district is located.

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(L. 2001 S.B. 267)

8/28/2001

**247.170. Detachment of part of district included in city — conditions — procedure — election.** — 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to

agree upon a service, lease or sale agreement, or are unable to proceed under section [247.160](#), then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

- (1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than five percent of the registered voters who are patrons of the water supply district, or twenty registered voters that are patrons of each subdistrict, whichever is less, shall be filed in the circuit court of the county in which the district was originally organized.
- (2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.
- (3) The ballot shall briefly state the question to be voted on.
- (4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.
- (5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.

(L. 1949 p. 255 § 12637.1, A.L. 1957 p. 581, A.L. 1978 H.B. 971, A.L. 1995 H.B. 484, et al., A.L. 2000 S.B. 741, A.L. 2003 H.B. 511)

8/28/2003



**247.171. Proportion of sum of all outstanding bonds and debts, calculation. —**

The proportion of the sum of all outstanding bonds and debt, with interest thereon, that is required to be paid to the water supply district, pursuant to subsection 1 of section 247.031, and subdivision (5) of subsection 1 of section 247.170, shall be the same as the proportion of the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the water supply district.

(L. 2001 S.B. 267)

8/28/2001

**247.172. Written territorial agreements for sale and distribution of water — commission may designate boundaries — approval of commission, hearings — rights of suppliers not a party to agreement — complaints, hearings, authority of commission — fees.** — 1. Competition to sell and distribute water, as between and among public water supply districts, water corporations subject to public service commission jurisdiction, and municipally owned utilities may be displaced by written territorial agreements, but only to the extent hereinafter provided for in this section.

2. Such territorial agreements shall specifically designate the boundaries of the water service area of each water supplier subject to the agreement, any and all powers granted to a public water supply district by a municipality, pursuant to the agreement, to operate within the corporate boundaries of that municipality, notwithstanding the provisions of sections [247.010](#) to [247.670](#) to the contrary, and any and all powers granted to a municipally owned utility, pursuant to the agreement, to operate in areas beyond the corporate municipal boundaries of its municipality.

3. Where the parties cannot agree upon the boundaries of the water service areas that are to be set forth in the agreement, they may, by mutual consent of all parties involved, petition the public service commission to designate the boundaries of the water service areas to be served by each party and such designations by the commission shall be binding on all such parties. Petitions shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity and the commission shall hold evidentiary hearings on all petitions so received as required in subsection 5 of this section. The commission shall base its final determination regarding such petitions upon a finding that the commission's designation of water service areas is in the public interest.

4. Before becoming effective, all territorial agreements entered into under the provisions of this section, including any subsequent amendments to such agreements, or the transfer or assignment of the agreement or any rights or obligations of any party to an agreement, shall receive the approval of the public service commission by report and order. Applications for commission approval shall be made and notice of such filing shall be given to other water suppliers pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission.

5. The commission shall hold evidentiary hearings to determine whether such territorial agreements should be approved or disapproved, except that in those

instances where the matter is resolved by a stipulation and agreement submitted to the commission by all the parties, such hearings may be waived by agreement of the parties. The commission may approve the application if it determines that approval of the territorial agreement in total is not detrimental to the public interest. Review of commission decisions under this section shall be governed by the provisions of sections [386.500](#) to [386.550](#).

6. Commission approval of any territorial agreement entered into under the provisions of this section shall in no way affect or diminish the rights and duties of any water supplier not a party to the agreement to provide service within the boundaries designated in such territorial agreement. In the event any water corporation which is not a party to the territorial agreement and which is subject to the jurisdiction, control and regulation of the commission under [chapters 386](#) and [393](#) has sought or hereafter seeks authorization from the commission to sell and distribute water or construct, operate and maintain water supply facilities within the boundaries designated in any such territorial agreement, the commission, in making its determination regarding such requested authority, shall give no consideration or weight to the existence of any such territorial agreement and any actual rendition of retail water supply services by any of the parties to such territorial agreement will not preclude the commission from granting the requested authority.

7. The commission shall have jurisdiction to entertain and hear complaints involving any commission-approved territorial agreement. Such complaints shall be brought and prosecuted in the same manner as other complaints before the commission. The commission shall hold an evidentiary hearing regarding such complaints, except that in those instances where the matter is resolved by a stipulation and agreement submitted to the commission by all the parties, such hearings may be waived by agreement of the parties. If the commission determines that a territorial agreement that is the subject of a complaint is no longer in the public interest, it shall have the authority to suspend or revoke the territorial agreement. If the commission determines that the territorial agreement is still in the public interest, such territorial agreement shall remain in full force and effect. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting, or management of any public water supply district or municipally owned utility, or to amend, modify, or otherwise limit the rights of public water supply districts to provide service as otherwise provided by law.

8. Notwithstanding the provisions of section [386.410](#), the commission shall by rule set a schedule of fees based upon its costs in reviewing proposed territorial agreements for approval or disapproval. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case. The fees shall be paid to the director of revenue who shall remit such payments to the state treasurer. The state treasurer shall credit such payments to the public service commission fund, or its successor fund, as established in section [33.571](#). Nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any public water supply district or municipally owned utility and except as provided in this section, nothing shall affect the rights, privileges or duties of public water supply districts, water corporations subject to public service commission jurisdiction or municipally owned utilities.

9. Notwithstanding any other provisions of this section, the commission may hold a hearing regarding any application, complaint or petition filed under this section upon its own motion.

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(L. 1991 H.B. 299, A.L. 2007 S.B. 416)

8/28/2007

**247.180. Elections in district, when, procedure — not required, when — vacant post, how filled.** — 1. Regular elections and elections held for the purposes of section [247.130](#) shall be called annually by the board of directors on the first Tuesday after the first Monday in April. Such elections shall be conducted by the appropriate election authority pursuant to [chapter 115](#).

2. Notwithstanding any other provision of law, if there is only one candidate for the post of director of any given subdistrict, then no election shall be held, and the candidate or candidates shall assume the responsibilities of their offices at the same time and in the same manner as if elected. If there is no candidate for the post of any given subdistrict, then no election shall be held for that post and it shall be considered vacant, to be filled pursuant to the provisions of section [247.060](#).

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(RSMo 1939 § 12633, A.L. 1976 H.B. 1386, A.L. 1978 H.B. 971, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al., A.L. 1993 H.B. 279, A.L. 1996 S.B. 598, A.L. 1997 S.B. 132, A.L. 1998 H.B. 1385 merged with S.B. 551, A.L. 2005 H.B. 58)

8/28/2005



**247.200. Rights of districts.** — The district shall have the right to lay its mains in public highways, roads, streets and alleys included in the district, but the same shall be done under reasonable rules and regulations of governmental bodies having jurisdiction of such public places. This shall apply to maintenance and repair jobs. In the construction of ditches, laying of mains, filling of ditches after mains are laid, connection of service pipes and repairing of lines, due regard must be taken of the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

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(RSMo 1939 § 12635)

8/28/1939

**247.210. Condemnation of property — procedure.** — The proceedings for condemnation of property under powers conferred by sections [247.010](#) to [247.220](#) shall, as nearly as may be practicable, be the same as proceedings provided for condemnation of property by cities of the fourth class, except that proceedings shall be instituted and carried through by the board of directors.

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(RSMo 1939 § 12636)

8/28/1939

**247.215. District which purchases water may convey property to water company — procedure — election — liquidation of district.** — 1. The board of directors of any public water supply district which is dependent upon purchases of water to supply its needs may sell and convey part or all of its water mains, plant, real estate, or equipment to any water corporation as defined in section [386.020](#) if all bonds of the district, whether general obligation bonds constituting a lien on the property within the district or special obligation or revenue bonds constituting a lien on the income and revenues arising from the operation of the water system:

(1) Are to be paid in full, or

(2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue thereon, together with all other items of expense incident to the payment of such bonds, shall be set aside from the proceeds of said sale and deposited with the fiscal agent named in the bonds for the purpose of full payment.

2. After the board of directors of any public water supply district has entered into a contract to sell part or all of its water mains, plant, real estate or equipment, pursuant to this section, an application shall be made by said board of directors to the circuit court which originally incorporated the district, which application shall set forth a

copy of the contract entered into by the parties, and the facts concerning the bondholders and their rights, and requesting an order of the court approving or disapproving the contract.

3. Upon the filing of the application, the court shall set a time for the hearing thereof and shall order a public notice setting forth the nature of the application, a description of the property to be sold, and the time and place for the hearing, to be published for three weeks consecutively, in a newspaper of general circulation in the county in which the application is pending, the last publication to be not more than five days before the date set for the hearing.

4. If the court finds that the contract provides for the sale of all of the mains, plants, real estate and equipment of the district and protects the bondholders' rights, and also provides for the rendering of the necessary water service in the territory embracing the district, and is in the best interest of the residents and property owners of the district, it shall, by its decree, approve the contract and order dissolution of the district, provided that such dissolution is assented to by a two-thirds majority of the voters of the district, voting on the question and provided further, that the dissolution of the district shall not become final until after all its debts have been paid and the disposition of funds of the district has been fully carried out as hereinafter provided to the satisfaction of the court, after which a final decree may be entered.

5. Such water supply district shall not be finally dissolved, upon the sale of all of its assets, until final liquidation thereof and until the trustees of the district have first paid to the collector of the county, or counties, in which the district is located all of its remaining funds which shall be applied pro rata toward the payment and satisfaction of the taxes of the residents and property owners of the district on their respective personal and real property tax bills for the next ensuing year or years. In the event that the sum of money so paid to the collector would amount to less than the equivalent of one cent reduction in the tax rate and thus impose upon the collector a cost burden in excess of the money so paid, then and in that event said funds shall be paid over to the treasurer of the various school districts having real estate within the said water supply district in the ratio that the assessed valuation of such school district bears to the whole assessed valuation of the water supply district.

(L. 1957 p. 583, A.L. 1978 H.B. 971)

8/28/1978



**247.217. Consolidation, procedure, petition, notice — subdistricts, how formed — election — directors, terms, eligibility — property, how handled.** — 1. Any two or more contiguous public water supply districts organized under the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a decree of the circuit court in which the district with the largest acreage was originally incorporated and organized.

2. Proceedings for consolidation of such districts shall be substantially as follows: The board of directors of each of the districts to be consolidated shall authorize, by resolution passed at a regular meeting or a special meeting called for such purpose, its president, on behalf of the district, to petition the circuit court having jurisdiction for consolidation with any one or more other contiguous public water supply districts.

3. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of general circulation in each county in which each of the districts proposed to be consolidated is located.

4. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
 NOTICE OF THE FILING OF A PETITION  
 FOR CONSOLIDATION OF  
 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_  
 OF \_\_\_\_\_ COUNTY, MISSOURI, AND  
 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_  
 OF \_\_\_\_\_ COUNTY, MISSOURI  
 (Additional districts may be named as required.)

To all voters, landowners, and interested persons within the boundaries of the above-described public water supply districts:

You are hereby notified:

1. That a petition has been filed in this court for the consolidation of the above-named public water supply districts into one public water supply district, as provided by law.
2. That a hearing on said petition will be held before this court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.
3. Exceptions or objections to the consolidation of said districts may be made by any voters or landowners of any

of such districts proposed to be consolidated, provided such exceptions or objections are filed in writing not less than five days prior to the date set for the hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

\_\_\_\_\_  
Clerk of the Circuit Court of  
\_\_\_\_\_ County, Missouri

5. The notice shall be published in three consecutive issues of a weekly newspaper in each county in which any portion of any district proposed to be consolidated lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of any district proposed to be consolidated lies; the last insertion of such notice to be made not less than seven nor more than twenty-one days before the hearing.

6. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

7. Exceptions or objections to the consolidation of such districts may be made by any voter or landowner within the boundaries of the proposed district. The exceptions or objections shall be in writing and shall specify the grounds upon which the same are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration in passing upon the petition for consolidation and shall also consider the evidence in support of the petition. If the court finds that the consolidation will provide for the rendering of necessary water service in the districts, and is in the best interest of the voters and the landowners of the district, it shall, by its decree, approve such consolidation. The decree of consolidation shall set an effective date for the consolidation of the districts and shall provide that the proposed consolidated district shall be divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which subdistricts shall have approximately the same area and shall be numbered.

8. The decree of consolidation shall not become final and conclusive until it has been submitted to voters in each of the districts proposed to be included in the consolidated district.

9. If, upon canvass and declaration of the results, it is found and determined that the question has been assented to by a majority of the voters of each district voting on

the question, the court shall issue its order declaring the results of the elections, declaring its previous decree of consolidation to be final and conclusive, and in addition, the decree shall provide for an election of a director from each of the subdistricts set forth in the decree of the court as specified in subsection 7 of this section. The terms of office for the directors elected at such election shall be as follows: The director elected from the subdistrict designated by the circuit court as number one shall serve until the next regular election, or until his successor has been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers two and three shall serve until the regular election following the next regular election or until their successors have been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers four and five shall serve until the annual regular election following the next two regular elections, or until their successors have been elected and qualified. Thereafter all directors shall be elected as provided by sections [247.010](#) to [247.220](#). The election shall be held at least thirty days before the effective date of the consolidation. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction and the court shall thereupon enter its order naming the directors from each subdistrict.

10. The eligibility and requirements for a director for a consolidated district shall be identical with those set forth in section [247.060](#) and no two members of the board shall reside in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided he shall file a declaration of intention to become such a candidate with the clerk of the circuit court.

11. In its final decree, the court shall designate a name for the consolidated district which shall be as follows: Consolidated Public Water Supply District No. \_\_\_\_\_ of \_\_\_\_\_ County, Missouri.

12. On the effective date of the consolidation of the districts, the newly elected directors shall organize in the same manner as is provided in sections [247.010](#) to [247.220](#), and all of such provisions shall apply to consolidated public water supply districts in the same manner as to other public water supply districts.

13. At the time of the effective date of the consolidation, all the property of the original districts shall be combined and administered as one unit, which shall be subject to the liens, liabilities and obligations of the original districts, provided that if any district included in the consolidated district has issued general obligation bonds which are outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only upon the property within the

original district issuing the bonds as it existed on the date of such issuance. All special obligation or revenue bonds issued by any district included in the consolidated district shall be paid in accordance with the terms thereof, without preference, from the revenue received by the consolidated district.

14. A certified copy of the decrees of the court shall be filed in the office of the recorder and in the office of the county clerk in each county in which any part of the consolidated district is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of the circuit court and the filing fees shall be taxed as costs.

(L. 1969 S.B. 311, A.L. 1972 H.B. 1506, A.L. 1978 H.B. 971, A.L. 1988 H.B. 962, A.L. 2002 S.B. 984 & 985)

8/28/2002

**247.220. Dissolution of district — procedure — election — disposition of property and debts.** — 1. Proceedings for the dissolution of a public water supply district shall be substantially the same as proceedings for the formation of such a district, as follows: A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district, in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district, that the district should, in the interest of the public welfare and safety, be dissolved, that an alternative water supplier is available and better able to supply water to the inhabitants of the district, and such other information as may be useful to the court in determining whether the petition should be granted and a decree of dissolution entered. Such petition shall also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth of the registered voters from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject district. The petition shall be verified by at least one of the signers thereof and shall be served upon the board of directors of the district as provided by law. The district shall be a party, and if the board of directors in its discretion determines that such dissolution is not in the public interest, the district shall oppose such petition and pay all cost and expense thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon, the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the subject boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the dissolution of a district may be made by any voter or landowner of the district, and by the district as herein provided; such exceptions shall be filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are filed and the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Unless petitioners prove that all debts and financial obligations of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of the petitioners.

5. Should the court find that it would not be to the public interest to dissolve a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which decree shall provide for the submission of the question to the voters of the district in substantially the following form:

Shall \_\_\_\_\_ Public Water Supply District be dissolved?

6. The decree of dissolution shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the election authority to the circuit court having jurisdiction in the case and the court shall

thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of dissolution to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority required, the court shall enter a further order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. Notwithstanding anything in this section to the contrary, no district shall be dissolved until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the property of the district.

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(RSMo 1939 § 12638, A.L. 1978 H.B. 971, A.L. 1993 H.B. 655, A.L. 1997 S.B. 175, A.L. 2002 S.B. 984 & 985)

8/28/2002

**247.227. Real estate subdivision with approved installation of water line, certain districts not to refuse water (Jackson County).** — Any public water supply district located in a first class county with a charter form of government which contains part of a city with a population of four hundred thousand or more inhabitants and which has approved installation of water lines and hookups within a real estate subdivision shall not refuse to supply water for expansion or additions within the real estate subdivision.

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(L. 1991 H.B. 619 § 1)

8/28/1991



**247.228. Public water supply districts and cities owning a waterworks to be notified of water service inquiries, when, contents.** — When an entity considering or proposing the construction of a multiresidential or commercial development, which is located within the city limits of a city owning a waterworks and also located within the

boundaries of a public water supply district, makes an inquiry of the city administrator respecting the supply of water service to such construction project, the city shall notify the public water supply district of such inquiry. Such notification shall be within ten days of the initial inquiry of the city administrator, shall be by certified mail, and shall state the location of such construction project to the extent the city administrator is aware of such.

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(L. 2004 S.B. 987 § 1)

Transferred 2005; formerly 247.673

8/28/2004

**247.230. Purpose of law.** — The purpose of sections [247.230 to 247.670](#) is to provide for the establishment of political subdivisions of this state within counties to be known as metropolitan water supply districts, the function of which shall be to secure a source of water on a scale larger than is feasible for public water supply districts and cities acting alone and to sell such water at wholesale to public water supply districts and cities, towns and villages.

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(L. 1949 p. 350 § 1, A.L. 1976 H.B. 1386)

8/28/1976

**247.240. Metropolitan water supply districts, limits.** — Metropolitan water supply districts may be of any size and may include all or any part of any county, or of two or more adjoining school districts, cities, towns, villages or public water supply districts or other political subdivisions within a county; no two metropolitan water supply districts shall overlap; no more than one metropolitan water supply district may be formed in any one county; provided however, that no city, town, village or public water supply district having a water supply or distribution system shall be included in a metropolitan water supply district, until said municipality shall consent to become included as evidenced by an ordinance or resolution passed by a majority vote of the governing body of such municipality; and provided further, that the territory within any metropolitan water supply district organized under sections [247.230 to 247.670](#) should be contiguous.

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(L. 1949 p. 350 § 2, A.L. 1976 H.B. 1386)

8/28/1976



**247.250. Proceeding to incorporate, where filed — power of court.** — The proceedings to incorporate a metropolitan water supply district shall be in the circuit

court of the county in which the proposed district is located. The circuit court sitting in and for any such county is hereby vested with jurisdiction, power and authority as provided herein to establish such districts.

(L. 1949 p. 350 § 2)

8/28/1949

**247.260. Organization of district, procedure.** — The organization of a metropolitan water supply district shall be initiated by a petition filed in the office of the clerk of the circuit court vested with jurisdiction as provided in sections [247.230](#) to [247.670](#). The petition shall be signed by one hundred voters of the district.

(L. 1949 p. 350 § 3, A.L. 1978 H.B. 971)

8/28/1978

**247.270. Contents of petition.** — The petition shall set forth:

- (1) The name of the proposed district consisting of a chosen name preceding the words "metropolitan water supply district";
- (2) An estimate of the number of inhabitants and of the assessed valuation of the taxable tangible property of the district;
- (3) A description of and an estimate of the cost of the proposed improvements;
- (4) A suggested maximum rate of tax levy for general operating purposes not to exceed twenty-five cents on the one hundred dollar valuation;
- (5) A general description of the boundaries of the district or territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district;
- (6) A list of the public water supply districts, cities, towns, villages and other political subdivisions within the bounds of the proposed district, an estimate of the number of water customers of such units and an estimate of the water consumption of said customers;
- (7) The names of five voters of the district who shall constitute the first board of directors of the district;
- (8) Such other data and information as may be useful to the court in determining the necessity for the organization of the district.

(L. 1949 p. 350 § 4, A.L. 1978 H.B. 971)

8/28/1978



**247.280. Deposit for costs.** — There shall be filed with the petition, or petitions, a fee in the amount of one hundred dollars to cover the payment of court costs.

(L. 1949 p. 350 § 5)

8/28/1949

**247.290. Hearing, when — notice by publication.** — Immediately after the filing of such petition or any amended petition changing the boundaries the court wherein such petition is filed or the judge thereof in vacation shall by order, fix a time and place not less than thirty days nor more than sixty days after the petition is filed for a hearing thereon, and thereupon the circuit court shall cause notice by publication to be made of the filing of the petition and the pendency of the action and of the time and place of the hearing thereon. The circuit clerk shall also forthwith cause a copy of said notice to be mailed by registered mail to the governing body of each public water supply district, city, town, village or other political subdivision having territory within the proposed boundaries of the proposed district, and to the county commission of the county affected.

(L. 1949 p. 350 § 7)

8/28/1949

**247.300. Exclusive jurisdiction of court — property-owning judge not disqualified.** — The circuit court shall thereafter for all purposes of sections [247.230](#) to [247.670](#), except as herein otherwise provided, maintain and have original and exclusive jurisdiction over all matters connected with or affected by said district. No judge of the circuit court wherein such petition is filed shall be disqualified to perform any duty imposed by said sections by reason of ownership of property within the proposed district.

(L. 1949 p. 350 § 8)

8/28/1949



**247.310. Petition — effect of defect — amendment — supplemental petition.** — No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended to conform with the facts by correcting any errors in the description of the territory, or in any other particular, except that the boundaries of the district may not be enlarged by taking in additional territory, without notice to the voters thus affected, which notice

may be made by publication or service of such pleadings and orders. Similar petitions or duplicate copies of the same petition for the organization of the same district, revising the boundaries of the proposed districts, or recommending another chosen name for the district or recommending other voters for the first board of directors, or recommending a different maximum rate of levy for general operating purposes may be filed at any time before a hearing is had on the petition, and shall, together with the first petition, be regarded as one petition, and shall be considered by the court the same as though filed with the first petition placed on file.

(L. 1949 p. 350 § 6, A.L. 1978 H.B. 971)

8/28/1978

**247.320. Protesting petition, where filed, contents.** — Any time after the filing of a petition for the organization of a district and before the day fixed for the hearing thereon, a petition may be filed in the office of the circuit clerk, wherein the petition for the organization of such district is pending, protesting against the creation of the proposed district. Such protesting petition shall be signed and filed by or on behalf of one or more voters of the district, and shall recite wherein the incorporation of the district will not promote the purposes as set forth in the original petition, or wherein sufficient facts have not been related to justify the incorporation of such district, and any other facts which may be useful to the court in determining whether or not such original petition shall be allowed.

(L. 1949 p. 350 § 9, A.L. 1978 H.B. 971)

8/28/1978

**247.330. Dismissal of petition, when — costs — no appeal — effect of dismissal.** — Upon the said hearing if the court finds that the petition has not been signed, filed and presented in conformity with sections [247.230](#) to [247.670](#), or that the material facts are not as set forth in the petition filed, or that sufficient facts have not been presented to justify the incorporation of the district, it shall dismiss said proceedings and adjudge the costs against the signers of the petition, or petitions, in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceedings; but nothing herein shall be construed to prevent the filing of a subsequent petition, or petitions, for similar improvements or for a similar district, and the right so to renew such proceedings is hereby expressly granted and authorized.

(L. 1949 p. 350 § 10)

8/28/1949



**247.340. Declaration of district organization.** — Upon the said hearing if it shall appear that a petition for the organization of a district has been signed and presented, as herein provided, in conformity with sections 247.230 to 247.670, and that the allegations of the petition are true, and that no protesting petition has been filed, or if one has been filed, that the facts adduced in behalf thereof at the hearing are insufficient to sustain such protesting petition, the court shall, by order duly entered of record, adjudicate all questions of jurisdiction, determine the original maximum rate of levy for general operating purposes to be voted only if said levy shall exceed fifteen cents on the one hundred dollar valuation, or as herein provided, declare the district organized, define the boundaries thereof, and give it a corporate name by which in all proceedings it shall thereafter be known, and thereupon the district, subject to the election provided in section 247.350, shall be a political subdivision of the state of Missouri and a body corporate with all the powers of like or similar corporations.

(L. 1949 p. 350 § 11)

8/28/1949

**247.350. Election to approve incorporation — procedure, form of ballot — rate of tax — directors.** — 1. The decree of incorporation shall not become final and conclusive until it shall have been submitted to voters of the proposed district and until it shall have been assented to by a majority vote of the voters of the district voting on the question.

2. The decree shall provide for the submission of the question of incorporating such districts and to vote on the maximum rate of levy for general operating purposes if such maximum rate shall exceed fifteen cents on the one hundred dollar valuation of the district, shall fix the date for holding such election.

3. The question of incorporating the district shall be submitted in substantially the following form:

Shall there be incorporated a \_\_\_\_\_ metropolitan water supply district?

4. Any question to determine the maximum rate of levy for general operation purposes in excess of fifteen cents on the one hundred dollars valuation shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ metropolitan water supply district be authorized to levy a tax not exceeding \_\_\_\_\_ cents per one hundred dollars assessed valuation for general operating purposes?

5. The return shall be certified to the circuit court having jurisdiction in the cause, and said court shall thereupon enter its order canvassing said returns and declaring the result of such election. If upon such canvass and declaration it is found and determined that a majority of the voters of the district voting on the question shall have voted in favor of the question, the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court shall find the majority shall not have voted in favor of the question the court shall enter its further order declaring said decree of incorporation to be void and of no effect.

6. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of said district from among the names of the voters who have been named in one or more petitions filed in said cause. The court shall designate and the decree shall contain the appointment of two of such directors to serve for a term ending three years after the next succeeding second Tuesday in April, two of such directors to serve for a term ending three years after the next succeeding second Tuesday in April, two of such directors to serve for a term ending two years after the next succeeding second Tuesday in April, and one of such directors to serve for a term ending one year after the next succeeding second Tuesday in April. The directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section [247.430](#).

7. The court shall at the same time enter an order of\* record declaring the result of the submission of the question to determine the maximum rate of levy of the district, and shall set forth the amount beyond which the board shall not thereafter have power to order a levy except as otherwise provided in section [247.460](#) and which levy in no event shall exceed the sum of twenty-five cents on the one hundred dollar assessed valuation.

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(L. 1949 p. 350 § 12, A.L. 1978 H.B. 971)

\*Word "or" appears in original rolls.

8/28/1978

**247.360. Force of final order.** — If a final order be entered establishing the district, such order shall be deemed final and conclusive, and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of said district against all persons except the state of Missouri, in an action in the nature of a writ of quo warranto, commenced by the attorney general

within thirty days after said decree declaring such district finally organized as herein provided and not otherwise. The organization of such district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

(L. 1949 p. 350 § 13)

8/28/1949



**247.370. Records relating to incorporation, where and how filed — fees.** — Within thirty days after the final order of the circuit court which has declared the district a public corporation, the circuit clerk of said court shall transmit to the secretary of state and to the county clerk and the recorder of deeds in the county in which the district is located copies of the findings and decrees of the court incorporating said district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations and the recorder and clerk shall receive a fee of one dollar each for filing and preserving the same.

(L. 1949 p. 350 § 14)

8/28/1949

**247.380. Members of board — oath — bond.** — Whenever a district has been declared duly and finally organized, the members of the board shall qualify by filing with the circuit clerk their oath of office, which shall be in the form prescribed by the constitution, and such board members shall also file with the circuit clerk corporate surety bonds to be furnished at the expense of the district in an amount not to exceed one thousand dollars each, the form and amount thereof to be fixed and approved by the circuit court having jurisdiction, and said bonds to be conditioned for the faithful performance of their duties as directors.

(L. 1949 p. 350 § 15)

8/28/1949

**247.390. Organization of board — seal.** — After taking their oaths and filing their bonds, the board shall choose one of its members as chairman of the board and president of the district, and shall elect a secretary and treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person. Such board shall adopt a seal, and the secretary shall keep in a well-bound book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and a record of corporate acts, which

shall be open to inspection of all owners of property in the district, as well as to all other interested parties.

(L. 1949 p. 350 § 16)

8/28/1949



**247.400. Treasurer — bond — financial statement — fiscal year.** — The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the recorder of deeds a detailed financial statement for the preceding fiscal year of the district on behalf of the board during the month of January. The fiscal year of the board shall be the same as the calendar year.

(L. 1949 p. 350 § 17)

8/28/1949

**247.410. Board — compensation — removal.** — Each member of the board shall receive an attendance fee in the amount of five dollars for attending each regularly called board meeting, but shall not be paid for attending more than two in any calendar month. Each member of the board shall be reimbursed for his actual expenditures in the performance of his duties on behalf of the district. The secretary and the treasurer shall be paid such a monthly salary as may be fixed by the board. The circuit court having jurisdiction over the district shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing.

(L. 1949 p. 350 § 18)

8/28/1949

**247.420. Meetings of board, quorum, vacancy — annual audit.** — The board shall meet at the place to be designated by the board as often as the needs of the district require on notice to each member of the board. The board shall cause to be made an annual audit of the receipts and expenditures of the district, by a certified public accountant, the cost of said audit to be paid by the district. Four members of the board shall constitute a quorum at any meeting. Any vacancy on the board shall be filled by the remaining member or members of the board, the appointee or appointees to act

until the next regular election at which directors are elected as herein provided, when vacancy or vacancies shall be filled by election. If the board shall fail, neglect or refuse to fill any vacancy within thirty days after the same occurs, the court having jurisdiction shall fill such vacancy.

(L. 1949 p. 350 § 19)

8/28/1949



**247.430. Election of directors.** — On the expiration of terms of members of the first board of directors as set forth in section [247.350](#), elections shall be held as provided herein and directors elected by the voters of the district for a term of three years. Nominations may be filed with the secretary of the board. The candidates for the board members shall be elected on a nonpartisan ballot. The candidates receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

(L. 1949 p. 350 § 20, A.L. 1978 H.B. 971)

8/28/1978

**247.440. Powers of board.** — For the purpose of providing a water supply for the public water supply districts, cities, towns, villages and other political subdivisions within the district, the district and, on its behalf, the board shall have the following powers, authorities and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service, relating to the furnishing of a water supply to the constituent governmental unit; providing, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, except the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;

(5) Upon the approval of the necessary number of qualified electors, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, either general obligation or special bonds, in accordance with the provisions of sections [247.230 to 247.670](#); whenever any indebtedness has been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine to meet the obligations of the district;

(6) To acquire, dispose of and encumber real and personal property, water wells, pumping stations and other water supply facilities, and fire hydrants and any interest therein, including leases and assessments; to build, acquire by purchase or otherwise, enlarge, improve, extend and maintain a system of water works;

(7) To refund any bonds, either general obligation or special revenue of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property;

(12) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and to refer to the proper authorities for prosecuting any infraction thereof detrimental to the district;

(13) To fix rates for the sale of water and provide for the collection of said rates. The rates or charges so fixed shall, at all times, be reasonable, but in determining the reasonableness of rates or charges, the board shall take into consideration the sum or sums required to retire outstanding special obligation bonded indebtedness of the district and the interest accruing thereon, the need for the extension of mains, repairs, depreciation, enlargement of plant, adequate service, obsolescence, overhead charges,

operating expenses and the need of an operating fund out of which the district may protect itself in emergencies and out of which the incidental expenses of the district may readily be met;

(14) To lay mains in public highways, roads, streets and alleys included in the district, but the same shall be done under reasonable rules and regulations of governmental bodies having jurisdiction of such public places. This shall apply to maintenance and repair jobs. In the construction of ditches, laying of mains, filling of ditches after mains are laid, connection of service pipes and repairing of lines, due regard must be taken of the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto;

(15) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes of sections [247.230 to 247.670](#).

(L. 1949 p. 350 § 21)

8/28/1949

**247.445. Sewage treatment facilities, construction and operation — procedure to establish petition to circuit court, content — user fee authorized.** — 1. The board of directors of any metropolitan water supply district may petition the circuit court of the county containing the major part of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance and operation of common sewer treatment facilities which serve ten or more separate properties and are located wholly within the district and are not operated by another political subdivision or are not located within the certificated area of a sewer corporation as defined in [chapter 386](#) or within a common sewer district as defined in [chapter 204](#) and the operation and maintenance of all such existing sewer treatment facilities. The petition shall be filed by the board of directors and all proceedings shall be in the same manner as in an action for initial formation of a metropolitan water supply district except that no vote of the residents of the district shall be required.

2. If the decree is amended the district shall, within ninety days after the order amending the decree, begin operation of the existing facilities which it has acquired by gift or otherwise and shall establish and collect user charges to be determined and established in the same manner as water rates.

3. All applicable provisions of sections [247.230 to 247.670](#) shall apply to the construction, operation and maintenance of common sewer facilities in the same

manner as they apply to like functions relating to water supply.

(L. 1990 S.B. 747)

8/28/1990



**247.450. Levy taxes — collection.** — The board shall have the power and authority to order the levy and collection of ad valorem taxes as provided in sections [247.230](#) to [247.670](#) on and against all taxable tangible property within the district, and to make timely demand and to sue and collect any and all other taxes, contributions or allocations to which the district may be entitled.

(L. 1949 p. 350 § 22)

8/28/1949

**247.460. Levy, how made — limitations on levy.** — To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, which rate of levy shall not exceed fifteen cents on the one hundred dollars valuation unless approved by a vote of a majority of the voters of the district voting as provided herein, and which, in any event, shall not exceed twenty-five cents on the one hundred dollars valuation; and in addition thereto, shall make a levy to promptly pay in full when due all interest on and principal of general obligations of the district; and in the event of accruing defaults or deficiencies, an additional levy may be made as provided herein.

(L. 1949 p. 350 § 23, A.L. 1978 H.B. 971)

8/28/1978

**247.470. Certification of levy to county commission — election on increased rate.**  
— 1. On or before the first day of May of each year, the board shall certify to the county commission of the county within which the district is located a rate of levy so fixed by the board as provided by law, with directions that at the time and in the manner required by law for levy of taxes for county purposes such county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all

the taxable tangible property within the district, in addition to such other taxes as may be levied by such county commission.

2. If the board thereafter in any year fixes and determines by resolution of the board a rate of levy in excess of fifteen cents per one hundred dollars valuation or of the rate approved by a vote of the majority of the voters of the district voting thereon, as provided herein for general purposes, then the board shall order the submission of the question of levying a tax rate in such increased amount to the voters of the district in the same manner so far as practicable as is provided for the submission of the question to create a bonded indebtedness. Such resolution of the board shall also fix the date upon which the election is to be held.

3. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ metropolitan water supply district be authorized to levy an annual rate of taxation not exceeding \_\_\_\_\_ cents per one hundred dollars assessed valuation for general operating purposes?

(L. 1949 p. 350 § 24, A.L. 1978 H.B. 971)

8/28/1978



**247.480. Approval of rate at election — certification.** — If it shall appear to the board from the returns that a majority of the voters voting thereon shall have voted in favor of such question, the board shall, on or before the first day of May and each year thereafter, certify to the county commission as provided in section [247.470](#) a rate of levy for general purposes of the district, which shall not be in excess of the rate so approved by the voters of the district as herein provided. If it shall appear to the board from the results that a majority of the voters voting thereon shall not have voted in favor of such question, then the board shall certify to the county commission at such time a rate not in excess of that previously approved by a vote of the majority of the voters of the district voting thereon, or not exceeding fifteen cents on one hundred dollars valuation, whichever is higher.

(L. 1949 p. 350 § 25, A.L. 1978 H.B. 971)

8/28/1978

**247.490. Rate to be sufficient to pay principal and interest on bonds.** — The board in certifying annual levies as herein provided shall take into account, in addition to the amounts necessary for general purposes as herein provided, the maturing indebtedness for the ensuing year as provided in its bonds and the interest on bonds,

and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the moneys produced from such levies, together with other revenues of the district are not sufficient to pay punctually the annual installments on its bonds and the interest thereon, and to pay any defaults and deficiencies, then the board shall provide for such additional levying of taxes as may be necessary to pay for all such, and notwithstanding any limitations, such taxes shall be continued to be levied until the indebtedness of the district shall be fully and currently paid.

(L. 1949 p. 350 § 26)

8/28/1949

**247.500. Collection of taxes — interest and penalties — lien of taxes.** — It shall be the duty of the body having authority to levy taxes within the county to levy the taxes provided in sections [247.230 to 247.670](#), and it shall be the duty of all officials charged with the duty of collecting taxes to collect such taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected; and when collected, to pay the same to the district ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district. All taxes levied under sections [247.230 to 247.670](#), together with interest thereon and penalties for default in payment thereof, and all cost of collecting the same, shall until paid, constitute a lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the lien of district taxes.

(L. 1949 p. 350 § 27)

8/28/1949



**247.510. Collection of delinquent taxes.** — If the taxes levied are not paid as herein provided, then the delinquent real property shall be sold at the regular tax sale for the payment of said taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at said tax sale for the property so offered, said property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town and city taxes. Delinquent personal property shall be distrained and sold as provided by general law.

(L. 1949 p. 350 § 28)

8/28/1949

**247.520. Boundaries of district, how changed.** — 1. The boundaries of any district organized under the provisions of sections [247.230 to 247.670](#) may be changed in the manner herein prescribed; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever, nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The owners of real property in a county contiguous with a metropolitan water supply district organized under sections [247.230 to 247.670](#) may file with a board a petition in writing praying that such real property be included within the district. The petition shall describe the property owned by the petitioners, and shall be deemed to give assent of the petitioners, to the inclusion in said district of the property described in the petition; and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

3. The secretary of the board shall cause notice of the filing of such petition to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the names of the petitioners, the description of the lands sought to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in said notice and show cause in writing why the petition should not be granted.

4. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why said petition should not be granted. The failure of any person interested to show cause in writing why said petition shall not be granted shall be deemed as an assent on his part to the inclusion of said lands in the district.

5. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, said property shall be included in the district, and thereafter a copy of the order of the board and the order of the court shall be filed with the county clerk and recorder. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the court shall find that such order of the board was not

authorized by law or that such order of the board was not supported by competent and substantial evidence.

(L. 1949 p. 350 § 29, A.L. 1976 H.B. 1386)

8/28/1976

**247.530. Owner may petition for exclusion of property from district — procedure.**

— 1. The owner or owners of any real or personal property contained within the boundaries of the district may file with the board a petition praying that such property be excluded and taken from said district. Such petition shall describe the property which the petitioners desire to have excluded; and must be acknowledged in the same manner and form as required in case of a conveyance of land, and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

2. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which said property is located. The notice shall state the filing of such petition, the names of petitioners, description of the property mentioned sought to be excluded and the prayer of said petitioners; and it shall notify all persons interested to appear at the office of said board at the time named in said notice, showing cause in writing why said petition should not be granted.

3. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.

4. The board, if it deems it not for the best interests of the district that the property mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order that said petition be denied, but if it deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof, be excluded from the district, then the board may order the property mentioned in the petition or some portion thereof, excluded from the district. Upon allowance of such petition, the board shall file a certified copy of the order of the board making such changes with the circuit clerk; and upon order of the court said property shall be excluded from the district, and a copy of the order of the board and the order of the court shall be filed with the county clerk and recorder.

5. The circuit court having jurisdiction over the district, shall make any such order excluding the property from the district as provided in the order of the board, unless the court shall find that such order of the board was not authorized by law, or that such order of the board was not supported by competent and substantial evidence.

(L. 1949 p. 350 § 30)

8/28/1949



**247.540. Certain property subject to taxes.** — All real property included within, or excluded from, a district shall thereafter be subject to the levy of taxes for the payment of any indebtedness of the district outstanding at the time of inclusion or exclusion; provided, however, that after any real property shall have been excluded from a district, as provided in section [247.530](#), any buildings and improvements thereafter erected or constructed on said excluded real property, and all machinery and equipment thereafter installed or placed therein or thereon, and all tangible personal property not in said district at the time of the exclusion of said real property from said district which shall thereafter be situate on or used in connection with said real property, shall not be subject to any taxes levied by said district.

(L. 1949 p. 350 § 31)

8/28/1949

**247.550. District may borrow money — procedure.** — 1. Any district organized hereunder shall have power to borrow money for any of the purposes provided for in sections [247.230](#) to [247.670](#), and to issue bonds therefor. In such event the board of directors shall proceed substantially as follows:

(1) The board shall adopt a resolution reciting the necessity for the borrowing of money, the amount of money necessary to be raised, the purposes thereof, the amount and type or character of bonds to be issued.

(2) Such resolution shall also fix the date of an election to be held for the purpose of testing the sense of the voters of the district on the question to borrow money and issue bonds in evidence thereof.

(3) Such resolution may submit at such election a proposal to issue general obligation bonds or special revenue obligation bonds, or both. Districts organized under the provisions of sections [247.230](#) to [247.670](#) may issue either general obligation bonds or special revenue obligation bonds provided that the type or character of bonds

to be issued shall be determined by the board of directors in advance of calling the bond election and shall be stated in the notice of election as herein provided.

2. If the question is to issue general obligation bonds, it must be assented to by two-thirds of the voters of the district voting on the question; if the question is to issue special revenue obligation bonds, it must be assented to by four-sevenths of the voters on the question.

(L. 1949 p. 350 § 32, A.L. 1978 H.B. 971)

8/28/1978

**247.560. General obligation bonds — tax levied before issue.** — General obligation bonds, within the meaning of sections [247.230](#) to [247.670](#), shall be bonds issued within the limitations of indebtedness prescribed under Section 26 of Article VI of the Constitution of Missouri for payment of which, both principal and interest, a direct tax may be levied upon all taxable tangible property within the district. Before or at the time of issuing general obligation bonds, the board shall provide for the collection of an annual tax to be levied upon all taxable tangible property within the district sufficient to pay the interest and principal of the indebtedness as they fall due and to retire the same within twenty years from the date contracted. The net income and revenue arising from the operation of the water supply system of such district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, shall be transferred to and become a part of the interest and sinking fund applicable to such general obligation bonds, unless or until such net revenues are pledged to the payment of special obligation bonds as herein provided.

(L. 1949 p. 350 § 33)

8/28/1949



**247.570. Special revenue obligation bonds — revenues pledged before issue.** — Special revenue obligation bonds, within the meaning of sections [247.230](#) to [247.670](#), shall be bonds payable, both as to principal and interest, wholly and only out of the net income and revenues arising from the operation of the water supply system of the district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, and such bonds shall not be deemed to be indebtedness of the district within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Before or at the time of issuing any special revenue obligation bonds, the board shall pledge such net income and revenues to the payment of such bonds, both principal and interest, and shall covenant to fix,

maintain and collect rates for water and water service supplied by such district so as to assure that such net income and revenues will be sufficient for the purpose herein required. The board may make such other covenants as may be appropriate for the purpose of protecting and safeguarding the revenues of the district and the payment of such special revenue obligation bonds.

(L. 1949 p. 350 § 34)

8/28/1949

**247.580. Bonds, when payable — interest, execution — denomination.** — All general obligation bonds, issued under the provisions of sections [247.230 to 247.670](#) shall be payable serially, beginning not more than five years after date they bear, and the last installment thereof shall be payable not more than twenty years after such date. All revenue bonds issued under the provisions of sections [247.230 to 247.670](#) shall be payable serially, beginning not more than five years after the date they bear, and the last installment thereof shall be payable not more than thirty years after such date. Such bonds shall bear a rate of interest not exceeding six percent per annum, payable semiannually, shall be executed by the president of the board, attested by the secretary of the board, under the seal of the district, and shall be of such denomination as the board of directors may determine.

(L. 1949 p. 350 § 35)

8/28/1949

**247.590. Issuance of current revenue bonds, when — execution.** — During the period of time required to collect any tax or property within the district levied for general operating purposes the board may issue and sell current revenue bonds to bear interest at not to exceed six percent per annum to meet the current expenses of the district incurred in advance of the revenue to be derived from such tax levy, and to be paid out of such current revenue levied for general operating purposes when collected. Such bonds may be for six, nine or twelve months and shall not exceed in the aggregate one-half of the revenue for the fiscal year for which they are issued. The president of the board shall execute the bonds on behalf of the district and they shall be attested by the secretary with the seal of the district.

(L. 1949 p. 350 § 36)

8/28/1949



**247.600. Elections in district.** — 1. Regular elections shall be held on municipal election days.

2. Returns of elections, except as herein otherwise provided, shall be made to the board of directors, shall be canvassed by said board, and the results spread upon the records of the district.

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(L. 1949 p. 350 § 37, A.L. 1978 H.B. 971)

8/28/1978

**247.620. Petition for dissolution of district, contents, where filed — submission of question.** — Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of sections [247.230](#) to [247.670](#) shall have been filed with the circuit court having jurisdiction over said district, setting forth all relevant facts pertaining to said district, and alleging that the further operation of said district is inimicable to the best interests of the inhabitants of said district, and that said district should, in the interest of the public welfare and safety, be dissolved, said circuit court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question, which shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ metropolitan water supply district be dissolved?

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(L. 1949 p. 350 § 39, A.L. 1978 H.B. 971)

8/28/1978

**247.630. Election on question of dissolution — effect — procedure if question approved.** — 1. If the court shall find that it is to the best interest of the inhabitants of said district that such district be dissolved, it shall make an order reciting the same and providing for the submission of the question to the voters of the district.

2. Such election may be held only on municipal election days. Returns of said election shall be canvassed and certified to the court.

3. If the court finds that two-thirds of the voters voting thereon shall have voted in favor of the question to dissolve said district, the court shall make a final order dissolving said district, and the decree shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities theretofore incurred, or necessary to the winding up of the district.

4. If the court shall find that two-thirds of the voters of the district voting thereon shall not have voted favorably on the question to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the said district shall continue to operate in the same manner as though said petition asking for such dissolution had not been filed.

(L. 1949 p. 350 § 40, A.L. 1978 H.B. 971)

8/28/1978

**247.640. Effect of dissolution — appointment of trustee.** — No dissolution of such district shall invalidate or affect any right accruing to the district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon the district or person; and whenever the circuit court shall, under the provisions of section [247.630](#), dissolve any such district, the court shall appoint some competent person to act as trustee for the district dissolved, and such trustee before entering upon the discharge of his duties shall take and subscribe to an oath that he will faithfully discharge the duties of his office, and shall give bond with sufficient security, to be approved by the court, to the use of such dissolved district, for the faithful discharge of his duties, and shall proceed to liquidate the district under orders of the court.

(L. 1949 p. 350 § 41)

8/28/1949

**247.650. Defective notice, when given.** — In any and every case where a notice is provided for in sections [247.230 to 247.670](#), if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the court shall in that case order due notice to be given, and shall continue the hearing until such time as notice shall be properly given, and thereupon shall proceed as though notice has been properly given in the first instance.

(L. 1949 p. 350 § 42)

8/28/1949

**247.660. Cases involving validity of organization, when heard.** — All cases in which there may arise a question of the validity of the organization of a district, or a question of the validity of any proceeding under sections [247.230 to 247.670](#), shall be advanced on the docket as a matter of immediate public interest and concern, and heard at the earliest practicable moment. The courts shall be open at all times for the purposes of sections [247.230 to 247.670](#).

(L. 1949 p. 350 § 43)

8/28/1949

**247.670. Sale of water outside district prohibited.** — No metropolitan water supply district created under sections [247.230](#) to [247.670](#) shall sell water directly or indirectly to any area nor municipality or political subdivision not included in the legally constituted boundaries of said metropolitan water supply district.

(L. 1949 p. 350 § 44)

8/28/1949

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