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248.010. Establishment of sanitary drainage districts — petition, by whom made — petition contents. — 1. Whenever the construction and maintenance of a common outlet or channel or of a system of drains or sewers for the drainage of any area in the state of Missouri shall become necessary to secure proper sanitary conditions for the preservation of the public health, if such area shall lie in part within and in part without the corporate limits of any city having a population of three hundred thousand or more, said area may be established and incorporated as a sanitary district under this chapter in the manner following, to wit: The mayor and assembly of the city or the county commission of the county within whose limits any part of such area may lie, or in case the area is situated in part in a city authorized to perform all the functions of a county and part in a county, both the mayor and assembly and the county commission may petition the circuit court or courts having jurisdiction for the appointment of commissioners as herein provided, and to take such further action as may be necessary to the submission to the legal voters resident in such area, of the question whether such area shall be organized and incorporated as a sanitary district under this chapter.

2. Such petition or petitions, which may be in the form of an ordinance of the city or order of the county commission, shall set forth a description in general terms of the territory to be embraced in, and suggest a name for, the proposed sanitary district.

(RSMo 1939 § 12476)

Prior revisions: 1929 § 10886; 1919 § 4581; 1909 § 5687

8/28/1939

248.020. Sanitary district — commission to determine boundaries, general provisions. — 1. The circuit court or courts so petitioned are hereby authorized to appoint three disinterested persons, one of whom shall be a civil engineer or surveyor, as commissioners to lay out and define the boundaries of the proposed sanitary district.

2. Said commissioners may alter or amend the boundaries of the proposed district, as set forth in the petition or petitions, so that it may embrace all of the area capable of being efficiently drained by the common outlet or channel, or by the system of sewers

or drains, or so as to exclude from the sanitary district any part of the natural drainage area which is so situated as not to be benefitted by the proposed sanitary drainage, and for this purpose they shall have power to have made all surveys and maps necessary to locate and describe the said boundaries.

3. Said commissioners shall qualify by taking oath to faithfully and impartially perform their duties, and when so qualified shall give notice by publication at least five times, in one or more newspapers having a general circulation in the proposed district, of the time and place where they will meet to consider and establish said boundaries. Said notice shall be given at least twenty days prior to the meeting and the meeting place shall be in the courthouse of the county, or city hall of the city.

4. At the meeting the commissioner first named in the order of appointment shall preside, and all persons residing or owning real property in such proposed district, or adjacent thereto, shall have the right to be heard as to the location of the boundaries of such proposed district; and the commissioners or a majority of them after such hearing shall fix and determine the boundaries of the proposed district.

5. The commissioners may adjourn from day to day until the hearing shall be complete, and for their services shall receive ten dollars per day each, for each day of actual service. They may employ a competent person as stenographer and clerk, whose compensation shall be five dollars per day.

(RSMo 1939 § 12477)

Prior revisions: 1929 § 10887; 1919 § 4582; 1909 § 5688

8/28/1939

248.030. Report of commissioners. — The commissioners shall make their report, accompanied by a map or plan showing the boundaries of the proposed district, in relation to the property lines intersected or followed by them, also in relation to city or county boundaries, to the court or courts by which they were appointed. Said report and map, if approved by the court or courts, shall then be filed in the office of the recorder of deeds for the county or counties, or city, in which the proposed district is situated, and copies of the map with the mayor of the city and with the county commission of the respective county or counties.

(RSMo 1939 § 12477)

Prior revisions: 1929 § 10887; 1919 § 4582; 1909 § 5688

8/28/1939



248.040. Election on organization of sanitary district. — 1. It shall then be the duty of said mayor and county commission or courts to submit to the voters of the proposed district the question of the organization and incorporation of the proposed sanitary district, with boundaries as determined by the said commissioners and approved by the said court or courts, at an election.

2. The returns of the vote, certified to under oath by those who receive and count the vote, shall be made to the secretary of state of the state of Missouri, who shall ascertain and declare the result.

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

Shall a sanitary drainage district be organized and incorporated?

4. If a majority of the votes cast shall be in favor of organization of the district, such proposed district shall thenceforth be deemed an organized sanitary district under this chapter.

(RSMo 1939 § 12477, A.L. 1978 H.B. 971)

Prior revisions: 1929 § 10887; 1919 § 4582; 1909 § 5688

8/28/1978

248.050. General powers of district — judicial notice — costs of proceedings. —

1. When the board of trustees provided for in section [248.070](#) shall be appointed and organized, such sanitary district shall be considered in law and equity a body corporate and politic, known by the name and style of "The Sanitary District of _____", and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal.

2. All courts in this state shall take judicial notice of the existence of all sanitary districts organized under this chapter.

3. If the proposition to establish the sanitary district is carried, the cost of all preliminary proceedings shall be borne by the district; if it is defeated, all costs of court, of commissioners and of the election shall be borne by the city and county, if of independent jurisdiction, each being liable for all expenses in regard to proceedings under its petitions. If its jurisdiction is single, the county commission shall pay for all said expenses.

(RSMo 1939 § 12477)

Prior revisions: 1929 § 10887; 1919 § 4582; 1909 § 5688

8/28/1939

248.060. Procedure where drainage area is in two counties — what court has jurisdiction. — When a natural drainage area includes territory lying in part in a county and in part in a city exercising the functions of a county, or in two or more counties, then the proceedings herein prescribed in sections [248.010 to 248.050](#) shall state that the proposition is to unite the parts so situated in independent jurisdictions into a single sanitary district; and if the proposition is carried by a majority vote in each of the parts, then the district shall be united and organized as described in said proceedings, and the circuit court having jurisdiction over the major part of the area included in the district so organized, shall have and is directed to exercise jurisdiction in all cases or questions arising out of the organization of the district, or from the acts of the board of trustees thereof.

(RSMo 1939 § 12477)

Prior revisions: 1929 § 10887; 1919 § 4582; 1909 § 5688

8/28/1939



248.070. Trustees — appointment — removal — employees. — 1. The board of trustees for the sanitary district shall be constituted as follows: The county commission shall appoint one; the mayor of the city, with the approval of the higher branch of the legislative department of the city government, shall appoint one; and the court having jurisdiction over the whole or major part of the territory embraced in the district, as shown by the map thereof, shall appoint one, who shall be a civil engineer of good repute in his profession, and a recognized expert in matters of drainage. The appointee of the circuit court shall be the president of the board, and its executive officer.

2. For their services the trustees shall receive salaries proportioned to the actual services rendered the district; the amount of salaries in each case shall be fixed on a per diem basis by the circuit court which appoints the third member, as before provided.

3. If more than one sanitary district be organized with territory common to the same city and county or counties, the same persons may be appointed as trustees for any or all such districts.

4. The official, county commission or court appointing the trustee shall have the power to appoint a successor when any vacancy occurs by reason of death, resignation, or removal from office or expiration of term. He or it may also remove such appointee for cause.

5. The term of office of the first appointee of the circuit court shall be three years; that of the county commission two years, and that of the mayor one year. Subsequent terms shall all be for three years, always subject to the condition that the board of trustees may be abolished, as provided in section [248.180](#).

6. The board of trustees shall have power to elect a clerk, chief engineer and attorney, and to employ from time to time such other persons as may be necessary, and to remove and discharge them at its pleasure; to fix the compensation of such appointees or employees, and to require them to give bond for the faithful performance of their duties; provided, that no salary so paid, calculated on per diem basis, shall exceed the per diem allowed the president of the board.

(RSMo 1939 § 12478)

Prior revisions: 1929 § 10888; 1919 § 4583; 1909 § 5689

8/28/1939

248.080. Powers of board. — Said board of trustees shall have power to pass all necessary rules and regulations for the proper management and conduct of the business of said board of trustees, and of said corporation, and for the carrying into effect the objects for which such sanitary district is formed.

(RSMo 1939 § 12479)

Prior revisions: 1929 § 10889; 1919 § 4584; 1909 § 5690

8/28/1939

248.090. Surveys and plans — adoption thereof. — 1. It shall be the duty of the board of trustees to make the necessary surveys, and to map out and define the several natural drainage areas in the district, and to lay out a general plan for the drainage thereof; besides the main outlet or outlets, the plan shall embrace branches or submains, necessary for a complete system of principal drains for the entire district. Branch or submains to be paid for out of the general revenue of the district shall not be extended beyond the point at which they will receive the drainage of an area of less than eight hundred acres. Outlets and the larger branches or submains may be open channels, whose general course shall be followed by intercepting sewers, to collect and convey sewage or polluted drainage. The board shall also subdivide the district into convenient subdistricts, not larger than one thousand acres in extent, within which the sewers or drains necessary to complete the drainage shall be constructed at the expense of the subdistrict, as provided in section [248.160](#).

2. When such plans are complete for a definite district or subdistrict, the board of trustees shall adopt them by ordinance, and such ordinance, when published in one or more newspapers having general circulation in the sanitary district, shall be binding upon all persons, corporations and municipalities; and nothing shall be done affecting the drainage of any part of the district, other than ordinary farm or agricultural drains, by any person, corporation or municipality inconsistent with such plans or without the permission of said board of trustees.

(RSMo 1939 § 12482)

Prior revisions: 1929 § 10892; 1919 § 4587; 1909 5693

CROSS REFERENCES:

Contractual agreements between political subdivisions for common facilities or services, 70.210 to 70.320

County planning commission, approval of public improvements after adoption of plan, 64.010 to 64.295

8/28/1939



248.100. Right-of-way through private property — proceedings. — 1. If, in the judgment of the board of trustees, it is necessary to acquire rights-of-way or easements for drainage purposes through private property, it shall, by ordinance duly certified, call upon the authority of the city or county having the right to cause the condemnation of private property for public use, to procure such rights-of-way or easements by due process of law; or said board may obtain the same by purchase, gift or otherwise. All costs of proceedings and damages allowed shall be paid out of the special drainage fund in the treasury of the city or county in which the property taken is situated.

2. The board of trustees of such drainage district, if it be necessary to cross, follow or traverse public streets, roads or alleys, or grounds held or used as public parks or places, shall have the right to do so upon the following conditions: The board of trustees shall file with the county commission or mayor of the city having immediate jurisdiction over the street, road, alley or public park or place, a map showing the location and extent of the proposed occupancy for drainage purposes and a plan of the proposed works, which plan shall be so made and arranged as not to interfere with the ordinary and lawful use of said street, road, alley, public park or place, except during a reasonable time for the construction of the necessary works said map and plan to be subject to approval by the county commission or mayor of the city.

3. The entire expense of the works and restoration of the ground occupied to its former condition, as near as may be, shall be borne by the sanitary district.

(RSMo 1939 § 12483)

Prior revisions: 1929 § 10893; 1919 § 4588; 1909 § 5694

8/28/1939

248.110. Bids for work contracts. — 1. The board of trustees for the sanitary district shall let contracts for all work to be done, excepting in case of repairs or emergencies requiring prompt attention, in the construction of channels, drains or sewers, under the authority of this chapter, the expense of which will exceed five hundred dollars, to the lowest responsible bidder therefor, upon not less than twenty days' notice of said letting, given by publication in a newspaper of general circulation in the district, and in the discretion of the said board, in one or more newspapers of general circulation among contractors. The said board shall have the power and authority to reject any and all bids, and readvertise the work.

2. The board of trustees shall also have the power to enter into agreements with persons, firms or corporations of known standing and competence for the execution and preparation of the surveys, maps and plans needed and required by the said board, and also for the laying out and superintendence of work to be constructed under the authority of this chapter; but no single agreement so made shall cover more than one piece or class of work.

(RSMo 1939 § 12485)

Prior revisions: 1929 § 10895; 1919 § 4590; 1909 § 5696

8/28/1939

248.120. Special drainage tax — drainage fund. — 1. To provide means to carry into effect the objects for which such sanitary district is formed, the lawful authorities in the city, and the county commission in counties, in which sanitary districts may wholly or in part be situated, shall levy and assess upon all the lands lying within such sanitary district, exclusive of streets, roads and alleys duly opened to public use, a uniform special drainage tax, to be fixed by requisition and certified by ordinance of the board of trustees of such sanitary district. And the mayor and assembly of said city are hereby authorized and required to levy such special tax, in addition to the amount they may be authorized to levy for general municipal purposes by the charter of said city. And the county commission or commissions is hereby authorized and required to levy such special tax, in addition to the amount it may be authorized to

levy for general county purpose. The amount of such special tax in any year shall not exceed one-half of one percent on the assessed and equalized valuation of such lands for that year. No lands, other than streets, roads and alleys, shall be exempt from said special tax, and if not valued and assessed for other purposes, shall be valued and assessed for this. Such special tax shall be collected and enforced by the same officers and in the same manner as provided for state and county taxes.

2. The amounts collected shall be paid into the treasury of the city and of the county or counties in which the collections are made, and be credited to a special fund, called "The Drainage Fund of the Sanitary District of _____", and shall be used for no other purpose than for the payment of vouchers, drawn under the authority vested in the board of trustees for the sanitary district, as specified in section [248.140](#).

(RSMo 1939 § 12480)

Prior revisions: 1929 § 10890; 1919 § 4585; 1909 § 5691

8/28/1939



248.130. Issuance of bonds — sinking fund — appeal. — 1. If, in the judgment of the board of trustees, the construction of the whole or any part of the general plan adopted is an urgent sanitary measure, and the means provided under section [248.120](#) are insufficient to do the work as rapidly as may, in the judgment of said board, be necessary, the said board may apply to the county commission or commissions having jurisdiction for an order of said county commission or commissions, authorizing the issue of bonds for the purpose of anticipating the revenue of the sanitary district. The application shall state the purpose, amount and all conditions of the proposed issue of bonds.

2. Said county commission shall have the power, in its discretion, to authorize the issue of such bonds, provided that the total amount outstanding shall, at no time, exceed the anticipated revenue of the sanitary district for the ten years next ensuing, computed on the basis of a levy of one-half of one percent annually, upon the valuation for the year in which the authority for issue is given. Bonds issued under the authority of this chapter shall not run for a term exceeding twenty years, nor bear a higher rate of interest than six percent per annum.

3. When bonds are so issued and sold, the special fund before described, arising from tax collections, shall each year first be charged with the interest falling due that year, and with a proportion of the total amount of outstanding bonds, ascertained by dividing said total amount by the number of years the bonds have to run, and the

amount so ascertained shall be set apart as a sinking fund to provide for the payment of interest, and for the payment or purchase of said bonds.

4. The bonds issued under the authority of this chapter shall have a copy of this section and of the order of the county commission printed on their back, and shall be registered in the office of the secretary of state of the state of Missouri.

5. The sinking fund above provided for shall each year be paid into the treasury of the state, and payments therefrom for interest and principal shall be made as provided in the case of bonds payable by the state of Missouri.

6. The proceeds of bonds issued under the authority of this chapter shall be deposited with the treasurer of the city, and shall be a special fund, and be used for no purpose except the payment of vouchers for work done or materials furnished for the construction of channels, drains and sewers.

7. In case of appeal from the action of the court applied to as above provided, the appeal shall be heard and determined as a privileged case by the supreme court of the state of Missouri.

(RSMo 1939 § 12484)

Prior revisions: 1929 § 10894; 1919 § 4589; 1909 § 5695

CROSS REFERENCES:

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

Refunding bonds authorized, payment of, 108.140 to 108.160

8/28/1939

248.140. Issuance of vouchers, for what purposes. — The board of trustees of sanitary districts shall have the power to issue vouchers payable by the treasurer of the city or of the county in which such sanitary district is wholly or in part situated, out of any funds in such treasurer's hands to the credit of the special fund of the sanitary district for the following named purposes, to wit:

- (1) For the preliminary expenses incurred in organizing the district;
- (2) For salaries and current expenses of the board, and salaries of its employees;
- (3) For making surveys, plans and superintendence of work;
- (4) For the payment of judgments for damages and costs, or the agreed price for right-of-way and easements;

(5) For payment of principal and interest of lawfully incurred indebtedness; and

(6) For work done or materials furnished for the construction or maintenance of channels, drains or sewers.

(RSMo 1939 § 12481)

Prior revisions: 1929 § 10891; 1919 § 4586; 1909 § 5692

8/28/1939

248.150. Who may construct sewers and drains — plans approved by trustees. —

The lawful authorities of any city or incorporated town or village, the county commission of any county, individual owners or associations of such owners, shall have the right to construct sewers or drains in sanitary districts, organized under this chapter, at their own expense, but plans for such sewers and drains must conform to the plans adopted by the board of trustees, and all such plans must be submitted to and be approved by said board of trustees before any construction work is done thereon.

(RSMo 1939 § 12486)

Prior revisions: 1929 § 10896; 1919 § 4591; 1909 § 5697

8/28/1939



248.160. Sanitary drainage of subdistrict — special tax bills. — 1. When sewers

are needed for the complete or sanitary drainage of a subdistrict, being a part of a sanitary district not exceeding one thousand acres in area, such sewers may be built by the board of trustees created under this chapter if parts of the subdistrict so to be drained be situated in different and independent jurisdiction; but, if such subdistrict lie wholly within the limits of a single jurisdiction, then the powers conferred by this section shall be vested in and exercised by that jurisdiction. The board of trustees created in section [248.070](#) in the case described above, otherwise the city, incorporated town or village, or county commission, having jurisdiction over the subdistrict, shall have the power, when petitioned so to do by a majority of the resident taxpayers within the subdistrict described in the petition, or upon a recommendation of a lawfully organized board of health, that the complete or sanitary drainage of a certain described area in a subdistrict is needed as a sanitary measure, to provide for the construction of a complete system of sewers in such subdistrict or convenient part thereof, and to assess the cost of such sewers upon the property drained thereby as a special tax; said special tax shall be uniform in the proportion that the area of each lot

or parcel of ground, taken to a distance not exceeding two hundred feet from the center line of the sewer, bears to the whole area drained by the sewers for which assessment is made.

2. Special tax bills shall be issued against each lot or parcel of ground drained or drainable by the sewer, or the portion of such lot or parcel lying within two hundred feet of the center line of such sewer or sewers. Such special tax bills shall be a lien upon the property charged therewith, as is provided for other special tax bills authorized by the statutes of the state of Missouri; but if any owner of any lot or parcel of ground assessable hereunder shall, within twenty days after the passage of the ordinance or order for the construction of such sewers, make written request that he be allowed to pay the special tax thereon by installments, said special tax bills against the property described in his request shall be divided, and portions made payable at certain dates and in amounts named; but the time of payment shall not extend beyond five years, nor the number of installments to more than five. Each installment shall bear interest at the rate of six percent per annum from date of issue of the special tax bill until due, and if not paid when due the rate of interest shall thereafter be ten percent per annum. If any installment remains unpaid for six months after it becomes due, then all unpaid installments shall be deemed to have become due with it, and the lien upon the property may be enforced for the whole amount unpaid, together with interest thereon.

3. Said special tax bills shall be issued by the board of trustees and authenticated by the seal of said board or by the authorities of the city, in the manner other special tax bills are issued by said city. If the sewers be built by the board of trustees, or a county commission, the cost of engineering and superintendence shall be added to the cost of construction, in ascertaining the amount to be assessed against the property drained; but the cost of engineering and superintendence shall not exceed ten percent of the cost of construction, as finally estimated. If the sewers be built by the city, incorporated town or village, the cost of engineering and superintendence shall be borne by such city, incorporated town or village. The special tax bills shall be issued to the contractors, or to persons rendering service or furnishing materials in a subdistrict, under contract or agreement with the board of trustees, or the competent authorities of the city, incorporated town or village, or county commission, in full settlement for all sums that may be due, arising from such contracts or agreements; but no claims shall be entertained or allowed for payment in any other way than by the issue of and delivery of such special tax bills.

(RSMo 1939 § 12487)

Prior revisions: 1929 § 10897; 1919 § 4592; 1909 § 5698

CROSS REFERENCES:

Delinquent taxes, districts may redeem bonds, when, 140.380

Interest, penalty and costs on delinquent sewer taxes, 249.710 to 249.750

8/28/1939

248.170. Trustees may accept sewers or drains constructed by private persons. — The board of trustees created by this chapter, or the authorities of the city, town or village, or the county commission, shall have the power to accept from private persons or corporations any sewers or drains constructed by them before or after the organization of the sanitary district, and to allow an equitable credit for such sewers or drains; or to acquire the same by process of law if needed; provided, that the sewers or drains accepted, in plans, materials and construction, conform to the plans adopted and approved by the board for similar work done by said board; and provided, in the case of acceptance, that the amount allowed shall not exceed the amount assessable as a special tax against the property drained thereby, under section [248.160](#). The title to or ownership of such sewers or drains shall be considered as attaching to all lands actually drained thereby in proportion to the areas of such lands, and the credit shall be allowed to the owners of record.

(RSMo 1939 § 12488)

Prior revisions: 1929 § 10898; 1919 § 4593; 1909 § 5699

8/28/1939

248.180. Board of trustees to cease to exist, when. — When the object for which a sanitary district was organized is accomplished by the completion of the main channel, drains or sewers, contemplated and adopted in the general plan, and when the areas of divided jurisdiction are drained or otherwise provided for (which facts the circuit court for the district in which the whole or the major part of the territory embraced in the district shall determine), then the board of trustees of such sanitary district shall cease to exist at the expiration of sixty days after the date of the decree of court expressing such determination. But provision shall be made for the fulfillment of all contracts and obligations which have been made by said board of trustees, the responsibility therefor being assumed by the city or county directly interested. Provision shall also be made for the prompt payment of all outstanding bonds of the sanitary district.

(RSMo 1939 § 12489)

Prior revisions: 1929 § 10899; 1919 § 4594; 1909 § 5700

8/28/1939

248.190. Duties of certain public officers. — It is hereby made the duty of the secretary of state, the mayors of cities, the circuit court, the county commission of counties, and all assessors, sheriffs, collectors, treasurers and other officials in the state of Missouri, to do and perform all the acts and to render all the services necessary to carry out the purposes of this chapter, and for such services they shall receive the fees, or other compensation allowed by law for similar services rendered to cities, counties or the state.

(RSMo 1939 § 12490)

Prior revisions: 1929 § 10900; 1919 § 4595; 1909 § 5701

8/28/1939

248.200. Construction of chapter. — Nothing in this chapter contained shall be so construed as to constitute a contract or grant between the state of Missouri and any sanitary district formed under its provisions, or to prevent, debar or deprive the state of Missouri from, at any time in the future, altering, amending or repealing this chapter, or imposing any conditions, restrictions or requirements other, different or additional to any herein contained, upon any sanitary district formed hereunder.

(RSMo 1939 § 12491)

Prior revisions: 1929 § 10901; 1919 § 4596; 1909 § 5702

8/28/1939

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