

Missouri
Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Links & Information ↓

Words ▾

1st search term

And ▾

2nd search term



249.010. Sewer district organization — petition for. — Whenever the construction and maintenance of a system of sewers or the use of existing sewers for any contiguous area in the state of Missouri shall become necessary for the preservation of the public health or public welfare or will be of public utility or benefit, if any such area shall lie within any county in the state of Missouri, now or hereafter having a population of not less than seven hundred thousand nor more than one million inhabitants, the area may be established and incorporated as a sewer district under sections [249.010 to 249.420](#) in the manner following: Twenty-five or more voters residing within the area may file with the circuit court having jurisdiction, a petition setting forth therein the reason or necessity for a sewer system; the boundary lines of the proposed district; the type and/or kind of sewers; the name of the proposed district, and the number of years the district is to continue; a request for the appointment of a sanitary engineer with duties as herein provided; and take any further action necessary to determine the question whether the area may be organized and incorporated as a sewer district under sections [249.010 to 249.420](#). There shall be filed with the petition a bond in a sum to be determined by the court but in no event more than five hundred dollars payable to the state of Missouri signed by one or more of the petitioners with good and sufficient surety or sureties to be approved by the court, conditioned for the payments of costs and expenses.

(RSMo 1939 § 12639, A.L. 1953 p. 541, A.L. 1961 p. 448, A.L. 1972 H.B. 1239 & 1300, A.L. 1978 H.B. 971)

CROSS REFERENCE:

County planning commission, certain counties, to approve improvements, 64.050, 64.235

8/28/1978

249.020. Determination of population. — The last preceding federal census shall be used as a basis and for the purposes of ascertaining and determining the population of the counties that may come within the provisions of sections [249.010 to 249.420](#).

(RSMo 1939 § 12680)

CROSS REFERENCE:

United States census, effective date of, 1.100

8/28/1939

249.030. Location of sewer district. — A sewer district may be established and incorporated under sections [249.010 to 249.420](#) partly within and partly without or wholly without or wholly within one or more cities, towns or villages.

(RSMo 1939 § 12677)

8/28/1939



249.040. Sanitary engineer — appointment, oath, duties, reports, contents. — Upon the filing of such petition and bond the circuit court is hereby directed, within ten days thereafter, to appoint a competent sanitary engineer who may be an individual, copartnership, or a corporation, to lay out and define the boundaries of the proposed sewer district. The said engineer shall subscribe an oath to faithfully discharge his duties as such engineer and to make a true report of the work done and the facts ascertained by him. The said engineer may alter or amend the boundaries of the proposed district as set forth in the petition, so that the boundaries may embrace all of the area capable of being efficiently served or drained by the system of sewers, or so as to exclude from the sewer district any part of the natural drainage area which is so situated as not to be benefitted by the proposed system of sewers and for this purpose shall have power to make all surveys, maps, and do all things necessary to locate and describe said boundaries. If the engineer finds the proposed sewer system would be for the preservation of the public health or public welfare or will be of public utility or benefit he shall so report and in said report he shall state approximately the proper plan of and the location of the system of sewers and the probable cost of the improvement necessary to accomplish the objects of the petition. The engineer shall report his findings in writing, with such maps, profiles, drawings and other data as are necessary to advise the court in the premises and shall promptly file the same with the clerk of the circuit court. Said report shall be filed within thirty days after his appointment, unless, for good cause shown, the court shall extend the time. The engineer shall file with his report a statement that he has consulted with the department of health and senior services in connection therewith, and he shall also file with his report any statement in writing which may have been made to him by said department of health and senior services covering the matters contained in such report.

(RSMo 1939 § 12640, A.L. 1951 p. 627, A.L. 1978 H.B. 1634)

Effective 1-2-79

1/2/1979

249.050. Notice of hearing. — Immediately after the report of the engineer has been filed it shall be the duty of the court to fix a time at which it will hear objections as provided in section [249.060](#) and it shall be the duty of the clerk of the circuit court to cause a notice thereof to be published in some newspaper of general circulation in the county wherein the proceedings are pending. Such notice shall be published once a week for three consecutive weeks and shall be substantially as follows:

Notice is hereby given to all persons owning property within the district bounded as follows: (Here set out boundaries given in report of engineer.)

That there has been filed in this office a petition for the organization of a _____ sewer district (describing the type) under the provisions of (here name this act or the appropriate Revised Statute of Missouri); that the duly appointed engineer has made and filed his report in this office and that property within the above described boundaries will be affected by the formation of the proposed sewer district and be rendered liable to taxation for the purpose of paying the expenses of organizing and incorporating the district and making and maintaining the improvements that may be found necessary for the construction and maintenance of said sewer system, and you and each of you are hereby notified that you may examine said petition and report and file exceptions to all or any part thereof on or before the day set for the hearing being the _____ day of _____.

Clerk of the circuit court of _____ County,
Missouri.

(RSMo 1939 § 12641)

8/28/1939

249.060. Objections heard and determined by court — may alter boundaries — costs to include what — effect of incorporation. — 1. On or before the time fixed by the court for hearing objections as herein provided any person owning property that will be affected by the organization of the proposed sewer district or said proposed improvements, may file in the office of the clerk of the circuit court written objections to the petition or to the report of the engineer, or to both, setting forth therein wherein the proposed improvement is not necessary for the preservation of the public health or

public welfare or will not be of public utility or benefit, as the case may be, which objection shall be, by the court, heard and determined in a summary manner.

2. The court shall have the power upon the hearing to alter and amend the boundaries of such proposed district as described in the report of the engineer, by excluding therefrom any part of the area which the court may find is so situated as not to be benefitted by the proposed system of sewers. In such case, if so ordered by the court, the engineer shall file an amended report and estimate of costs, within such time as the court shall direct, and the hearing shall be continued to a date after the time fixed for the filing of such amended report. On or before the time of such continued hearing, objections may be filed to such amended report to the same extent as herein provided for objections to the original report of such engineer.

3. If, after hearing and determining such objections, the court finds the proposed improvements are necessary for the preservation of the public health or public welfare or will be of public utility or benefit and advisable, it shall find in favor of the petitioners and in favor of making the improvement of the type or kind described in the petition. If the court shall find against the improvement it shall dismiss the petition and proceedings at the cost of the petitioners.

4. The compensation of the sanitary engineer and of other persons who may have been employed with the approval of the court in the preparation of the plan and report of the engineer provided for in section [249.040](#), shall be fixed by the court and taxed as costs in like effect as fee bills are taxed and issued by the clerk of the circuit court, and shall be paid by the petitioners; provided, however, that if the court finds in favor of making the improvement, and incorporates the proposed district, the costs of the proceedings may be paid by the district out of funds of the district obtained by the sale of bonds which may be authorized by the voters as hereinafter provided.

5. If the court finds in favor of making the improvement it shall, by its order, incorporate the proposed district within the boundaries described in the report of the engineer, or as amended by the court, into a sewer district for the purposes of sections [249.010 to 249.420](#) for the number of years set out in the petition, and shall designate same by the name set forth in the petition. Such district shall then be a body corporate and a political subdivision of the state, shall possess the powers of like or similar public corporations, shall be capable of suing and being sued in contract, in its corporate name, shall be capable of holding such real and personal property as may be at any time either donated to or acquired by it, all in accordance with the provisions of sections [249.010 to 249.420](#). Within ten days after the said district shall have been incorporated, a certified copy of said finding and decree of incorporation shall be filed

in the office of the recorder of deeds of the county where the proceedings are pending and in the office of the secretary of state.

(RSMo 1939 § 12642, A.L. 1951 p. 627)

8/28/1951



249.070. Election on incorporation — notice. — 1. After the incorporation of the district aforesaid it shall be the duty of the court to order the election authority to call and hold an election; said election to be called and held in the manner herein provided, at which election the voters residing within the sewer district may vote for three persons who shall form the board of trustees for said district as herein provided.

2. In the order of such election the court shall also provide for submitting at such election a proposition to incur indebtedness by the district in an amount not greater than the estimate of the cost of constructing a system of sewers as provided in the report of the engineer.

3. The notice shall state the purpose of the election and the amount of indebtedness to be incurred.

(RSMo 1939 § 12643, A.L. 1978 H.B. 971)

8/28/1978

249.080. Form of ballot for election to incur indebtedness. — The question shall be submitted in substantially the following form:

Shall the _____ sewer district incur indebtedness in the amount of _____ dollars and issue bonds in evidence thereof?

(RSMo 1939 § 12644, A.L. 1978 H.B. 971)

8/28/1978

249.090. Trustees — bonds issued — tax for interest and sinking fund. — The three candidates for office of trustee who shall receive the highest number of votes shall be declared elected trustees with terms as provided in section [249.140](#). If it appears that the constitutionally required percentage of the voters of such district voting on the proposition of incurring indebtedness submitted at the election were in favor of incurring such indebtedness, the election authority shall make an order reciting the holding of such election and the results thereof, both for and against the proposition, and if the result of the election as certified shall be in favor of incurring the indebtedness and issuing the bonds, then the board of trustees for the district shall

direct the issuance thereof to the amount of the debt authorized to be incurred, or any portion thereof, and shall either before or at the time of doing so provide for the collection of an annual ad valorem tax upon all of the taxable property within the district, which tax shall be sufficient to pay the interest on such indebtedness as it falls due and also to create a sinking fund for the payment of the principal thereof within twenty years from the date of contracting the same, such tax to be levied and collected as provided for in section [249.130](#).

(RSMo 1939 § 12645, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621)

8/28/1990



249.110. Tax levy to be authorized by voters — election expenses, how paid. —

The board of trustees shall have no power to levy or collect any taxes for the payment of any indebtedness incurred by said district unless and until the voters of the district shall have authorized the incurring of indebtedness at an election, but all such expenses and indebtedness incurred by said district may be paid out of funds which may be received by said district from the sale of bonds authorized by the voters at any such election.

(RSMo 1939 § 12647, A.L. 1978 H.B. 971)

8/28/1978

249.120. Bonds — denominations — interest — registry — deposit of funds. —

1. Such bonds shall be issued in denominations of one hundred dollars or some multiple thereof; shall be payable to bearer, not later than twenty years from their date; shall bear interest from their date at a rate not exceeding six percent per annum, payable annually or semiannually; such interest payments to be evidenced by annexed coupons, and said bonds shall not be sold for less than ninety-five percent of the face value thereof and together with existing indebtedness of the said district, if any, shall not exceed in the aggregate five percent of the value of all of the taxable property in the district to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness.

2. Such bonds shall be signed by the president of the board of trustees and attested by the signature of the secretary of the board of trustees with the seal of the district affixed thereto. The interest coupons may be executed by affixing thereon the facsimile signature of the secretary of said district. Said bonds may be sold under the same conditions as are provided for the sale of county road bonds.

3. All bonds issued under sections [249.010 to 249.420](#) shall be registered in the office of the state auditor as provided by law for the registration of bonds of cities and in the office of the secretary of the board of trustees of the district in a book kept for that purpose for registry, shall show the number, date, amount, date of sale, name of the purchaser and the amount for which the bond was sold. The moneys of the district shall be deposited by the treasurer of the district in such bank or banks as shall be designated by order of the board of trustees and the secretary of the district shall charge the treasurer therewith and the said moneys shall be drawn from the said treasury upon warrant issued by the district for the purposes for which the bonds were issued.

(RSMo 1939 § 12648)

8/28/1939

249.130. Taxes levied, when and how. — 1. It shall be the duty of the secretary of the board of trustees of the incorporated sewer district on or before the fifteenth day of May in each year to certify to the county commission of the county wherein such incorporated district is situate the amount of money that will be required during the next succeeding year to pay interest falling due on bonds issued and the principal of bonds maturing in such year, and the amount necessary to cover the estimated expenses of maintaining such sewer system in good condition, or renting or leasing of existing sewer facilities and of maintaining the district corporation with its necessary expenses.

2. On receipt of such certificate it shall be the duty of the county commission at the time it makes the levy for the state, county, school and other taxes to, by order made, levy such a rate of taxes upon all the taxable property in the said incorporated sewer district as will produce a sum of money sufficient for the purposes aforesaid; provided, that the county commission shall have no authority to levy such tax until the voters of said sewer district shall have voted to incur an indebtedness under the provisions of sections [249.010 to 249.420](#).

3. On such order being made it shall be the duty of the county commission to cause such rate of taxation to be extended upon the tax books against all the taxable property in said incorporated sewer district and the same shall be collected and remitted to the board of trustees of the said sewer district by the collector of the revenue of said county at the time, in the manner, and by the same means as state, county, school and other taxes are collected and remitted. All of the laws, rights and remedies provided by the laws of this state for the collection of state, county, school and other taxes, shall be applicable to the collection of taxes herein authorized to be collected.

4. All taxes levied under sections [249.010 to 249.420](#) shall be based upon the assessed valuation of lands and other property in the said incorporated sewer district in accordance with the current record of the assessed valuations of all taxable property within said incorporated sewer district as may be determined by the records in the assessor's office of the county and such tax shall be prorated and an equal amount levied upon each one hundred dollars assessed valuation.

(RSMo 1939 § 12649, A.L. 1953 H.B. 543)

8/28/1953



- 249.132. Extension of district boundaries, procedure — sanitary engineer appointed — report of findings.** — 1. Whenever any sewer district shall have been organized as provided by sections [249.010 to 249.420](#), and it shall appear necessary, convenient or advisable to extend the boundaries of such district for the purpose of including therein a contiguous area which could be efficiently served by the sewer system of such district, or by reasonable modifications, extensions or improvements thereof, the boundaries of such district may be extended in the following manner; provided that such extension shall not include any territory within the boundaries of any other sewer district.
2. The trustees of such district may, and shall upon a petition therefor, signed by twenty-five or more persons residing within such district and owning property therein which is liable for assessment for the sewers constructed therein, file with the circuit court having jurisdiction of such district a petition setting forth the reason or necessity for extending the boundaries of such district; the boundary lines of the proposed extension and a request for the appointment of a sanitary engineer, with duties as herein provided, and a prayer for such further action as may be necessary to determine the question as to whether the boundaries of such district should be extended.
3. Upon the filing of such petition the said circuit court shall as soon as may be thereafter appoint a competent sanitary engineer, who shall possess the qualifications and shall subscribe the same oath as are now provided for the engineer appointed under the provisions of section [249.040](#).
4. Such engineer may alter or amend the boundaries of the proposed extension of the district as set forth in the petition so that such boundaries may embrace all of the area capable of being efficiently served or drained by the system of sewers in such district or by reasonable modifications, extensions or improvements thereof, or so as to exclude any part of the area within the proposed extended boundaries which is so

situated as not to be benefitted by the sewer system of such district as changed or for the drainage of which the sewer system of such district is not or cannot be made efficiently and economically adequate. For this purpose the engineer shall have the power to make surveys and maps and do all things necessary to locate and describe such boundaries.

5. The engineer shall report whether or not he finds the proposed extension of such district will be for the preservation of the public health or public welfare or will be of public utility or benefit and in such report he shall state what changes, if any, will be required to be made in the sewer system within the boundaries of the district then existing and what extensions or additions will be necessary in the territory proposed to be annexed, and the probable cost thereof, in order to serve the territory within the proposed extended boundaries. The engineer shall file with his report a statement that he has consulted with the department of health and senior services in connection therewith, and he shall also file with his report any statement in writing which may have been made to him by said department of health and senior services covering the matters contained in such report.

6. The engineer shall within thirty days after his appointment, unless for good cause shown the court shall extend the time, report his findings in writing to the court with such maps, profiles, drawings or other data as are necessary to advise the court in the premises.

(L. 1951 p. 627 § 249.100, A.L. 1978 H.B. 1634)

Effective 1-2-79

1/2/1979

249.134. Hearings on proposed extension, notice — election, when ordered — decree of extension entered. — 1. Immediately after the report of the engineer has been filed, the court shall fix a time at which it will hear such petition or any objections thereto and it shall be the duty of the clerk of the circuit court to cause a notice thereof to be published in some newspaper of general circulation in the county wherein the proceedings are pending, for three consecutive weeks, which notice shall set out the boundaries of the proposed extension of the district as shown in the report of the engineer, and shall notify all persons within such district and all persons within the boundaries of the proposed extension of such district, who own property liable for or which may become liable for taxation for the sewer system of such district or of such district if extended, that on or before the time so fixed by the court they may file

objections to either or both the petition or the engineer's report and that such petition and that any objections thereto will be heard by the court at the time so fixed.

2. If upon the hearing upon such petition and objections the court shall find that an extension of the boundaries of such district within the boundaries as set forth in the engineer's report or within any part thereof is necessary for the preservation of the public health or public welfare or will be of public utility or benefit and will be advisable, the court shall find in favor of the petitioners and shall render its decree to that* effect. If the court shall find that such an extension is not necessary or will not be of public health or public welfare or will not be of public utility or benefit and will not be advisable, then it shall find against the petitioners and shall dismiss the petition.

3. If the court shall find in favor of the petitioners then (except as hereinbelow set out) it shall enter its order directing the election authority to call and hold separate elections, both in the original sewer district and in the territory proposed to be annexed, upon the question of whether such territory should be annexed to the sewer district. The notice shall include a description of the territory to be annexed.

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

Shall the _____ sewer district annex the contiguous area described in the notice for this election?

5. The election authority shall certify the results of the election to the circuit court having jurisdiction of the matter. If a majority of the votes cast on the proposition, both in the original sewer district and in the territory to be annexed, shall be in favor of such annexation, then the court shall render a decree declaring the boundaries of such district to be extended and describing the boundaries of the district as extended. If a majority of the votes cast on the proposition in either the original district or in the territory to be annexed shall be against such annexation, then the court shall render a decree declaring that the proposal to extend the boundaries has failed and that the boundaries of such sewer district shall remain unchanged.

6. Provided, however, that, notwithstanding the above provisions of this section, no election shall be held on the question of the annexation to a sewer district of contiguous territory in the following circumstances: (a) That at or before the time the circuit court shall render the decree calling the election there shall be presented to the court a written statement agreeing to the annexation of the territory to the district, signed by a majority of the owners of land in the territory to be annexed, who shall also be the owners of more than one-half of the land in such territory; (The term "**owner**", as used in this provision, shall mean the holder of the legal title to a freehold

interest in land, including mortgagors and grantors in deeds of trust to secure debts; remaindermen, reversioners, and holders of equitable interests shall not be considered in computing the number of owners who sign the petition or in computing the total number of owners in the territory); (b) That the board of trustees of the sewer district to which the territory is to be annexed shall, by action recorded on its minutes, accept the annexation of such territory and shall file with the court a certified copy of the record of its action at or before the rendition of the decree calling the election. If such a petition of landowners and such certified copy of the action of the board of trustees shall be filed with the court as above stated, and if the court shall find upon the hearing in favor of the petitioners, then the court shall render its decree declaring the boundaries of such district to be extended and describe the boundaries of the district as extended. If the boundaries of the district be extended, a certified copy of the final decree shall be filed in the office of the recorder of deeds in the county in which such proceedings are pending and in the office of the secretary of state.

(L. 1951 p. 627 § 249.101, A.L. 1978 H.B. 971)

*Word "the" appears in original rolls.

8/28/1978

249.136. Indebtedness authorized — limitations — election required. — 1. Any sewer district organized under sections [249.010 to 249.420](#), or whose boundaries have been extended as provided, shall have the power to incur further indebtedness of the district and issue bonds of the district therefor for the purpose of providing a sewer system for the district, as provided by sections [249.010 to 249.420](#), or for enlarging, replacing, repairing, modifying, improving or extending the same, to make an effective and complete sewer system or to provide funds to pay any obligation incurred or which may be incurred by contract with any other district or municipality or other public agency for the construction, use or maintenance of common or joint sewers, drains, outlets and disposal plants, provided such indebtedness together with all existing indebtedness of such district shall not exceed in the aggregate five percent of the value of all taxable tangible property in such district to be ascertained by the last completed assessment of property for state and county purposes prior to the incurring of such indebtedness, and provided further that the constitutionally required percentage of the voters of such district voting on the proposition to incur such indebtedness shall assent thereto.

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

Shall the _____ sewer district issue bonds in the amount of _____ dollars payable from taxes?

3. Any bonds issued as provided herein shall be issued in accordance with the provisions relating to the original issuance of bonds hereunder; provided, however, the amount of bonds to be so issued shall be determined by the board of trustees and in determining the amount the board of trustees shall not be limited by any estimate of costs herein provided to be made by the engineer at the time of the incorporation of such district or the extension of its boundaries.

(L. 1951 p. 627 § 249.102, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621)

8/28/1990



249.138. Resubmission of indebtedness question after rejection — second resubmission on order of court. — 1. In the event that any proposition for the incurring of indebtedness fails of adoption in the election provided in section [249.070](#) or provided in section [249.136](#), then, at any time not less than six months thereafter, and subsequently at intervals of not less than six months, upon a resolution of the board of trustees of such district providing therefor, the proposition of incurring such indebtedness may be again submitted to the voters of such district at an election to be called and held and the results thereof declared by the board of trustees as provided in section [249.136](#).

2. If at the election called by the circuit court pursuant to section [249.070](#) hereof, a proposition for the incurrence of an indebtedness by the district shall have been submitted and shall have failed of adoption and further if substantially the same proposition shall have been again submitted at an election called pursuant to this section and shall have again failed, the circuit court of the county in which such district was organized shall have the power, upon motion of the board of trustees of such district therefor or upon petition therefor signed by twenty-five or more persons residing within such district and owning property therein which would be liable for taxes for sewers constructed therein, to enter a decree declaring such district to be disincorporated. A certified copy of such decree shall be filed in the office of the recorder of deeds of such county and with the secretary of state.

(L. 1951 p. 627 §§ 249.103, 249.105)

8/28/1951

249.140. Trustees, qualifications, election, term. — 1. Any candidate for the office of trustee in the district shall be an American citizen over the age of twenty-five years

and shall have been a resident within the county within which the district is situated for more than four whole years next before the date of the election at which he is a candidate and shall be a voter of the district. Any person desiring to become a candidate for the office of trustee at the election held on the original incorporation of the district, as provided in section 249.070, shall file with the county commission or with the election commissioners a statement, under oath, that he possesses the qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of five dollars, whereupon his name shall be placed on the ballot as candidate for trustee. Any person desiring to become a candidate for the office of trustee in any subsequent election shall file such statement, under oath, with and pay such filing fee to the secretary of the board of trustees, whereupon his name shall be placed on the ballot as candidate for the office of trustee.

2. At such initial election the candidate who receives the highest number of votes shall be elected for a six-year term as trustee; the candidate who receives the second highest number of votes shall be elected for a four-year term as trustee; the candidate who receives the third highest number of votes shall be elected for a two-year term as trustee.

3. After his election each trustee shall take and subscribe his oath or affirmation before the clerk of the circuit court to the effect that he is qualified to act as trustee under the provisions of sections 249.010 to 249.420 and that he will perform his duties as such trustee to the best of his ability and impartially in the interest of the whole district.

(RSMo 1939 § 12651, A.L. 1951 p. 627, A.L. 1978 H.B. 971)

8/28/1978

249.150. Biennial elections. — On the first Tuesday in April after the expiration of two years from the date of the election of the first board of trustees for respective terms of two, four and six years each, an election shall be called and held by the board of trustees and every two years thereafter shall be so called and held for the purpose of electing a trustee who shall serve for a term of six years and until his successor shall have been elected and qualified to fill the office of the trustee whose term may then expire and any vacancy then existing in the membership of said board shall be filled at such election.

(RSMo 1939 § 12652, A.L. 1951 p. 627)

8/28/1951



249.160. Organization of board of trustees. — The trustees within five days after their election and qualification shall meet and organize the board by selection from among their number one to act as president of the board, one to act as treasurer of the board, and one to act as secretary of the board. The officers so selected shall hold office until the next election of trustee or trustees and until a newly constituted board of trustees after an election shall have selected their successors.

(RSMo 1939 § 12650)

8/28/1939

249.170. Two trustees may make decision. — In all proceedings under sections [249.010 to 249.420](#) at all meetings of the board of trustees the vote of two of the trustees shall be sufficient and all lawful actions in pursuance of a vote of two trustees shall be deemed the act of the sewer district.

(RSMo 1939 § 12679)

8/28/1939

249.180. Vacancies, how filled. — In the event of any vacancy in the office of trustee caused by death, resignation, refusal to act or in any wise, such vacancy shall be filled by appointment made by the remaining trustee or trustees. In the event the remaining trustees cannot agree upon such appointment within thirty days after such vacancy may have occurred then such vacancy shall be filled by the appointment of the circuit court, and the trustees so appointed shall possess the qualifications for a trustee elected under the provisions of sections [249.010 to 249.420](#) and shall subscribe his oath or affirmation as if he had been elected. The trustee or trustees so appointed shall serve until the next election for trustee at which time a trustee shall be elected to fill such vacancy.

(RSMo 1939 § 12653)

8/28/1939



249.190. Failure of trustee to qualify — compensation of trustees. — 1. In the event that any trustee elected or appointed under the provisions of sections [249.010 to 249.420](#) shall fail to qualify as such trustee or fail to take and subscribe his oath or affirmation of office within fifteen days after his election or appointment, then the office of said trustee shall be considered vacant and the vacancy filled as provided in section [249.180](#).

2. Each trustee elected under the provisions of sections [249.010 to 249.420](#) shall be compensated by warrant drawn upon the treasurer of the sewer district corporation in the sum of twenty-five dollars per month for each month that he shall serve after his election and during the period of the construction of sewers. After sewers have been constructed in accordance with original plan and during any period of more than thirty days that the construction of sewers may be delayed or deferred each trustee shall be compensated in the sum of ten dollars per month for his services.

3. If the proposition to incur indebtedness, as provided for in section [249.070](#), fails of adoption the trustees shall receive no compensation. All necessary expenses of the board of trustees or any member of said board incurred in the performance of its or his respective duty or duties under sections [249.010 to 249.420](#) shall, upon the certificate of the treasurer, filed with the board of trustees, be paid by warrant drawn as aforesaid.

(RSMo 1939 § 12654)

8/28/1939

249.200. Trustees to furnish bonds. — All trustees elected for any sewer district formed under the provisions of sections [249.010 to 249.420](#) shall furnish bond with good and sufficient sureties in favor of the district for the faithful accounting for all funds under their control. Said bond to be satisfactory to and to be approved by the circuit court; such bond shall be in the sum of not less than ten thousand dollars for each trustee. Each treasurer of a board of trustees of any district under sections [249.010 to 249.420](#) shall, before taking custody of any funds of the district also furnish a bond with good and sufficient sureties in favor of the district in such sum as may be determined from time to time by the board of trustees, depending upon the amount in the custody of the treasurer; such bond shall be satisfactory to and approved by the circuit court; such treasurer shall not expend or pay out any sum of money belonging to the district except upon warrants drawn and authorized by the board of trustees. The premiums on bonds above required shall be paid out of funds in the hands of the board of trustees and shall be regarded as expense of said board.

(RSMo 1939 § 12673)

8/28/1939

249.210. Trustees shall maintain record of proceedings. — The board of trustees of any district corporation incorporated under sections [249.010 to 249.420](#) shall cause to be kept a well-bound book entitled "Record of Board of Trustees of _____ District", in which shall be recorded the minutes of all meetings, proceedings, certificates, bonds, contracts and all corporate acts of the board in connection with the operation of such

district, which record, or records, shall be a public record and be at all reasonable times open to the inspection of anyone interested.

(RSMo 1939 § 12672)

8/28/1939



249.220. Trustees may promulgate rules and regulations. — The sewer district through its board of trustees may promulgate reasonable rules and regulations concerning the construction, maintenance and use of the sewer system or systems constructed and/or maintained by the district.

(RSMo 1939 § 12670)

8/28/1939

249.230. Trustees to employ an attorney. — The board of trustees shall within thirty days after organizing, employ an attorney to act for the district and to advise such board. Such employment shall be evidenced by an agreement, in writing, which shall, as far as possible, specify the exact amount to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the district is a party or interested and shall in all legal matters advise the district and the board, and generally look after and attend to all matters of legal nature for said board and district. The attorney shall serve at the pleasure of the board and his compensation shall be fixed by the board not to exceed two hundred and fifty dollars per month.

(RSMo 1939 § 12660)

8/28/1939

249.240. Trustees to provide for payment of salaries, fees. — The board of trustees, except where otherwise provided, shall by resolution, at the time of hiring or appointing, provide for the compensation for work done and necessary expenses incurred by any officer, engineer, attorney or other employee, and shall also pay the fees, per diem, and necessary expenses of all court and county officers, who may by virtue of sections [249.010 to 249.420](#) render service to the district. The board of trustees shall have power to discharge any employee of the district, except the engineer and attorney at will and may discharge the engineer or attorney for cause on thirty days' notice.

(RSMo 1939 § 12661)

8/28/1939



249.250. Unpaid warrants to draw interest. — Whenever any warrant issued under sections 249.010 to 249.420 is not paid when presented to the president of the board of trustees of the district, because of lack of funds in the treasury, such fact shall be endorsed on the back of such warrant and such warrant shall draw interest thereafter at the rate of six percent per annum until such time as there is money on hand or in the treasury to pay the amount of such warrant and the interest then accumulated, but no interest shall be allowed or paid on any warrant after the time when sufficient funds are in the treasury or on hand to pay such endorsed warrants with interest.

(RSMo 1939 § 12678)

8/28/1939

249.255. Public sewer district lien for unpaid charges — disconnection of services. — 1. Should a public sewer district created and organized pursuant to constitutional or statutory authority place a lien upon a customer's property for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

2. Should the sewer charges of a public sewer district created and organized pursuant to constitutional or statutory authority remain unpaid for a period in excess of three months, the district, after notice to the customer by certified mail, shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid.

(L. 1991 H.B. 299, A.L. 2000 S.B. 741)

8/28/2000

249.260. Trustees to appoint engineer — adoption of sewer plan. — 1. Within thirty days after organizing, the board of trustees may appoint a competent sanitary engineer as chief engineer, who may be an individual, copartnership or corporation, and who shall engage such assistants as the board of trustees may approve by resolution. The chief engineer shall have control of the engineering work in the district; he shall make all necessary surveys of the land and other property within the district and shall make a report, in writing, to the board of trustees with maps and profiles of said survey or surveys where necessary, which report shall contain a plan for sewerage system and the disposal of sewage. The said maps and profiles shall also

indicate, as far as necessary, the location of any public roads, streets or highways, railroads and other rights-of-way, and other property or improvements in said district.

2. Upon receipt of the said final report and plan for sewage disposal, the board of trustees may adopt such report or any modification thereof after consulting with the chief engineer, and thereafter such adopted report shall be known and designated as the "Sewer Plan of _____ District", which plan shall be filed with the board of trustees and embodied in the records of the district. The board of trustees may purchase upon such terms as they may deem best, existing surveys, maps, profiles, and/or plans suitable for use in the whole or in part of the sewer plan.

3. Such engineer or engineering firm shall not receive as a salary, or an aggregate of salary and fees, in any one year, a sum in excess of the sum fixed by law as the limit of salary provided for the highway engineer in the county in which such district is located.

(RSMo 1939 § 12655)

8/28/1939



249.270. Purchase of maps. — Should the board of trustees purchase any existing surveys, maps, profiles and/or plans from any sewer district in liquidation they shall pay to the person or persons liquidating said district the agreed price therefor and said amount shall be distributed pro rata to the taxpayers of said district in proportion to the amount of sewer taxes paid by each taxpayer.

(RSMo 1939 § 12656)

8/28/1939

249.290. Board may construct and maintain system — not limited to plan on estimates of engineer. — In order to provide a sewer system for the lands and other property and improvements in the district, the board of trustees is hereby authorized and empowered to construct and maintain trunk lines, mains, submains, and lateral sewers, outlets for sewerage and any and all other structures, systems, works and things, and to contract with other districts, municipalities, other public agencies, individuals, copartnerships and corporations for the construction, use or maintenance of common or joint sewers, drains, outlets and disposal plants, and for the use of existing sewer facilities, and to do all things deemed necessary or advisable to make an effective and complete sewer system and to preserve and maintain the same in the district, to construct any and all said works and improvements across, through or over any public highway, railroad, right-of-way, tract, grade, fill or cut, and any other right-

of-way or easement in the district; to remove any fence, building or other improvement in the district, and shall have the right to hold, control and acquire by donation or purchase, and if need be, shall have full power to condemn any and all rights or property, either public or private, of every kind and character necessary for the purposes aforesaid, and in so doing, shall follow the procedure taken for telegraph, telephone or railroad rights-of-way. The district shall not be limited to the plan of and the location of the system of sewers set out in the report of the engineer provided in section 249.040, but may include such other and additional work as the board of trustees may deem to be advisable; nor shall the cost of such work be limited to the probable cost of the improvement set out in the engineer's report provided by section 249.040 but may be in excess thereof.

(RSMo 1939 § 12658, A.L. 1951 p. 627, A.L. 1953 p. 543)

CROSS REFERENCE:

Contractual agreements among political subdivisions for common facilities and services, proceedings, 70.210 to 70.325

8/28/1953

249.300. Sewage disposal plants. — The authority of sanitary sewer districts to construct a system or systems of sanitary sewers as provided in sections 249.010 to 249.420 shall include the authority to construct sewerage disposal plant or plants for the disposal of sewage, and the authority of lateral sewer district to construct a system of lateral sewers as provided in sections 249.010 to 249.420 shall include the authority to construct sewerage disposal plants for the disposal of sewage.

(RSMo 1939 § 12676)

8/28/1939



249.310. Trustees charged with maintenance of system. — It shall be the duty of such board of trustees to supervise the maintenance of such sewer system constructed under its supervision, or as may hereafter under proper authority be placed under its supervision, and to see that sewer system or systems be maintained in good condition; provided, however, that such board of trustees may, whenever in the opinion of said board of trustees it may become necessary, employ a person or persons, firm or corporation, of its selection, to do and perform such repair services as may be necessary to maintain said sewer system or systems in good condition, and may, if in the judgment of the board of trustees the occasion demands, employ an engineer to plan and supervise any such repairs; however, such board of trustees shall not have

authority to expend within one year for maintenance purposes, including expenses of said district, more than the amount of the maintenance tax provided for in section [249.130](#).

(RSMo 1939 § 12671)

8/28/1939

249.320. Appropriation of land. — The board of trustees of sewer districts organized under sections [249.010](#) to [249.420](#) shall not have the right to enter upon or appropriate any lands for rights-of-way or other works of the district except by contract with the owner or owners, until the price awarded to the owner of such land shall have been paid to such owners or into the hands of the circuit clerks of the courts organizing such district for the use of such owners; and if the sums awarded be not so paid within five years from the date of filing the commissioner's report, all proceedings as to the taking of such property for rights-of-way and other works not so paid for shall abate at the cost of said district. Whenever any land, rights, or other property is acquired by condemnation under the provisions of sections [249.010](#) to [249.420](#) and the price of such property has been paid to the owner or to the clerk of the court by the district, the title, use, possession and enjoyment of said property shall pass from the owner and be vested in the district and subject to its use, profit, employment, and final disposition. The price awarded for all land acquired by any district for rights-of-way or other works, and confirmed by the court, shall be paid in cash to the owner thereof or the clerk of the court for the use of such owner.

(RSMo 1939 § 12659)

8/28/1939

249.330. Bids for improvement contracts. — 1. The board of trustees is hereby authorized and empowered to construct the works and improvements provided for in the plan adopted, by letting a contract or contracts for such works and improvements either as a whole or in sections, and when such contract or contracts are to be let, they shall be advertised and let to the lowest and best bidder as determined by said board. Such bidder shall give a good and approved bond in such amount as may be determined by said board, but in no event be less than the amount of the contract price, payable to the district with sureties satisfactory to said board, conditioned that the bidder will properly carry out the contract for such work and improvements and pay all bills incurred by him in the carrying out of said contract.

2. Said contract shall be in writing and to which shall be attached and made a part thereof complete plans and specifications of the work to be done and the

improvements to be made under such contract, which plans and specifications shall be prepared by the chief engineer and shall be incorporated in and attached to the contract, which contract shall be prepared by the attorney for the district and before the work is commenced shall be approved by the board of trustees and signed by the president of the board and the contractor, and shall be executed in duplicate.

3. The chief engineer shall be superintendent of all the works and improvements and shall, whenever required, make a full report to said board of all work done and improvements made.

(RSMo 1939 § 12657)

8/28/1939



249.340. Contractual procedure and work specifications. — 1. Whenever it shall be ordered by the board of trustees of the sewer district that any sewer or system of sewers in the incorporated sewer district be constructed in accordance with the provisions of sections [249.010](#) to [249.420](#) and the engineer's estimated cost thereof exceeds the sum of five hundred dollars the said board of trustees shall order its said engineer to prepare and file with the secretary of said board of trustees all necessary maps, plans, specifications and profiles and the estimated cost of the work. Said board of trustees may approve or reject the maps, plans, specifications and profiles and have others prepared and filed.

2. When the maps, plans, specifications and profiles have been approved, the said board of trustees shall order its engineer to advertise the letting of the contract, proposed to be let, by advertisement in some newspaper that has a general circulation in the district wherein the contract is to be executed which said advertisements shall be published once a week for three consecutive weeks, the last insertion to be within ten days of the day of the letting.

3. All bids should be in writing accompanied by instructions to bidders which shall be furnished by the engineer of said board of trustees upon application. All bids on sewer work shall state the unit price upon which the same are based. All bids shall be sealed and filed with the secretary of said board of trustees, and, on the day and at the hour named in the advertisement, shall be publicly opened and read in the presence of the board of trustees and the engineer of said board and shall then be recorded in detail in some suitable book. All bids shall be accompanied by a certified check equal to ten percent of the engineer's estimate of cost, payable to the said board of trustees, or a bidder's bond executed by some surety company authorized to do business in this

state or other good and sufficient surety in a like sum shall be given, as guarantee on the part of the bidder that if his bid be accepted he will, within ten days after receipt of notice of such acceptance, enter into contract and bond with good and sufficient sureties to be approved by the board to do the work advertised, and in case of default, forfeit and pay the sum of ten percent of the engineer's estimate of cost. The contract shall be awarded to the lowest and best bidder. The said board of trustees may in its discretion reject any and all bids. Any bid in excess of the engineer's estimate of the cost of the work to be done shall be rejected.

4. When it shall be decided by order of record to accept any bid the said board of trustees shall order a contract to be entered into between the bidder and the said board of trustees. The contract shall have attached to and made a part thereof the proposal sheet, instructions to bidders, the bid, maps, plans, specification, and profiles. Whenever the contract is executed and approved by order of record and endorsement thereon it shall be filed and preserved as a permanent record in the office of the said board of trustees.

5. It shall be incorporated in the contract that the said board of trustees shall reserve the right to make any additions to, omissions from, changes in, or substitution for the work or materials called for by drawings and specifications, without notice to the surety on the bond given to secure the faithful performance of the terms of the contract. The bidder must agree that before the sewer district shall be liable for any additional work or material the board of trustees of said sewer district must first order the same and the cost thereof must be agreed upon in writing and entered of record before such additional work shall apply in case of omissions, deductions or changes, and the unit price shall be the basis of the valuation of such changes. In case of disagreement upon the cost or price of any addition, omission or change ordered or so desired, then it is expressly agreed that the decision of the engineer of said board of trustees shall be received and accepted as fixing definitely and finally the cost of such change and when so fixed the said board of trustees shall enter of record such change. It shall also be provided in the contract that the contractor will furnish and promptly pay for all labor employed and materials used in the performance of such contract, and pay all bills incurred by said contractor in performance of said contract or contracts.

(RSMo 1939 § 12674)

8/28/1939

249.350. Payments on contract — inspection of work. — 1. The board of trustees shall order such amounts paid on the contract as may be certified by the chief engineer,

and as may be provided in the contract covering such work, but full payment for any work to be performed by the contract shall not be made until the work has been completed and accepted by the chief engineer of said district in charge of same.

2. The said engineer in charge of the work shall inspect the work contracted for from time to time and make report thereon; and before any final settlement is made with any contractor the said engineer shall make a personal inspection of same and shall make written statement under oath that he has made such inspection and that the contractor has performed his work according to the contract.

(RSMo 1939 § 12675)

8/28/1939

249.360. Subdivision of district. — The board shall subdivide the district into convenient subdistricts not larger than one thousand acres in extent, and prescribe the boundaries thereof within which the sewers and drains necessary to complete the drainage shall be constructed at the expense of the subdistrict when organized, as provided in sections [249.370](#) to [249.420](#), but no lands within the boundaries of an incorporated city shall be included in any such subdistrict without the consent of such city expressed by resolution or ordinance of the governing legislative body thereof. When such plans are completed for such subdistricts and filed, the board of trustees may adopt them by resolution, and such resolution, when published in one or more newspapers having a general circulation in the sewer district, shall be binding upon all persons, firms and corporations; and nothing shall be done affecting the drainage and disposition of sewage outside of cities in the district, other than ordinary farm or agricultural drains, inconsistent with such plan, without the permission of the board of trustees as evidenced by the records of proceedings thereof.

(RSMo 1939 § 12663)

8/28/1939



249.370. Powers of board of trustees after adoption of plans. — When the plans referred to in section [249.360](#) with reference to subdistricts have been adopted by the board of trustees and the resolution of adoption published as provided therein, the board of trustees shall have the power, when petitioned so to do by a majority of the resident owners of all tracts and parcels of land lying within such subdistrict as laid out in said plans and described in such petition, to provide for the construction of a complete system of lateral sewers in such subdistrict or any part thereof, issue bonds in anticipation of the revenues of such subdistrict in the manner provided in sections

[249.390 to 249.420](#). The board of trustees shall have the power to determine the sufficiency of the petition.

(RSMo 1939 § 12664)

8/28/1939

249.380. Detailed plans of lateral system made and filed by engineer. — If such petition be filed as provided in section [249.370](#), the board of trustees shall, by resolution, declare the subdistrict to be formed and shall cause to be promptly made by the chief engineer of the district and filed with the board a report showing detailed plans and specifications for, and the estimated cost of, a complete system of lateral sewers within such subdistrict, or any part thereof.

(RSMo 1939 § 12665)

8/28/1939

249.390. Election in subdistrict for issuance of bonds. — When such report is filed, the question shall be submitted of whether the board of trustees shall have authority to issue bonds for the purpose of anticipating the revenues of said subdistrict for the cost of construction of said system of sewers, the total amount of said bonds not to exceed the estimated cost as shown in the report of the chief engineer. If a majority of such voters, voting on the question, shall vote in favor of authorizing the board of trustees to issue such bonds, the board of trustees shall have the power to issue and sell the same in the same manner as is provided in section [249.090](#) for the issuance and sale of other bonds of the district. Bonds issued under this section shall not run for a period of more than twenty years nor bear a higher rate of interest than six percent per annum.

(RSMo 1939 § 12666, A.L. 1978 H.B. 971)

8/28/1978



249.395. Funding or refunding bonds authorized — how paid. — Any sewer district which may be organized under sections [249.010 to 249.420](#) is hereby authorized to fund or refund any part or all of its bonded indebtedness, including bonded indebtedness incurred on behalf of any subdistrict, in the same manner as is now provided by section [108.140](#); provided, however, that the interest on and principal of any refunding bonds which may be issued shall be paid only out of funds provided in the same manner as is provided in sections [249.010 to 249.420](#) for the payment of the interest on and principal of the bonds so refunded.

(L. 1951 p. 627 § 249.430)

8/28/1951

249.400. Rental charges from abutting property owners. — For the purpose of raising funds for the payment of interest on and principal of such bonds and for the maintenance and repairs of said lateral sewers, the board of trustees shall have the power to impose and collect an annual rental charge from the owners of all real estate abutting said lateral sewers, including the owners of public property devoted to public use. The annual rental charge shall be apportioned according to the assessed valuation of each tract and parcel of such property, and the assessor of the county shall separately assess that portion of such tracts and parcels of property as lie within such subdistrict, and he shall also assess and enter upon the records of his office the assessed valuation of all such property in such subdistrict, including school property, public or private, whether or not such property is otherwise exempt from taxation. The total amount of annual rental charges to be imposed shall not exceed the estimated amount necessary to be imposed to provide funds sufficient to pay the interest on and the principal of such bonds, plus the estimated cost of maintenance as fixed by the board of trustees. Such rental charges may be imposed or collected in semiannual or quarterly installments as the board of trustees may direct, and shall be a lien upon such property from the date they are imposed by the board of trustees.

(RSMo 1939 § 12667, A.L. 1951 p. 627)

8/28/1951

249.410. Delinquent rental charges to bear interest. — 1. Delinquent rental charges shall bear interest at the rate of one-half percent per month, until paid, and shall be collected in the same manner as taxes levied under the authority of sections [249.010 to 249.420](#) for the payment of sinking funds and interest on other bonds of the district are collected.

2. All provisions of sections [249.010 to 249.420](#) pertaining to soliciting bids for construction or repairs of other sewers in the district and the letting of and execution of contracts shall be deemed to apply with equal effect to lateral sewers constructed in subdistricts.

(RSMo 1939 § 12668)

8/28/1939



249.420. Additional lateral sewers in subdistrict. — If, in any such subdistrict, the board of trustees, under the other provisions hereof, shall construct sewers to serve only a part of any such subdistrict and shall thereafter determine that any other part or parts of such subdistrict are in need of lateral sewers, such board shall have power to construct and finance such additional lateral sewers in the same manner that the first sewers in said subdistricts were constructed and financed.

(RSMo 1939 § 12669)

8/28/1939

249.422. Fee imposed to repair lateral sewer service lines for certain residential property and in certain counties — condominiums responsible for proportionate share — ballot form — special account established for fees collected. — 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to Article VI, Section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of [chapter 448](#), the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the county office administering the program. Where an existing sewer lateral program was in effect prior to August 28, 2003, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

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

Shall a maximum charge not to exceed fifty dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

(L. 1995 H.B. 88 § 21 merged with H.B. 484 § 1 merged with S.B. 228 § 1, A.L. 1997 H.B. 709, A.L. 2000 S.B. 741, A.L. 2003 S.B. 218 merged with S.B. 301)

CROSS REFERENCE:

Lateral sewer service lines repair fee established, 249.424

8/28/2003

249.423. Collector may add fees for repair of sewer lines to tax bills of property owners — powers and duties. — 1. Notwithstanding any other provision of law to the contrary, the collector in any city, town, village or county that adopts an ordinance pursuant to section [249.422](#), who now or hereafter collects any fee to provide for, ensure or guarantee the repair of lateral sewer lines connected to public sewer lines, may add such fee to the general tax levy bills of property owners within the city, town, village or unincorporated area of the county. All revenues received on such combined bill which are for the purpose of providing for, ensuring or guaranteeing the repair of lateral sewer lines, shall be separated from all other revenues so collected and credited to the appropriate fund or account of the city, town, village or county.

2. The collector of the city, town, village or county may collect such fee in the same manner and to the same extent as the collector now or hereafter may collect delinquent real estate taxes and tax bills.

(L. 1995 H.B. 88 § 22 merged with H.B. 484 § 2 merged with S.B. 228 § 2)

CROSS REFERENCE:

Lateral sewer service lines repair fee added to tax bills of property owners, 249.424

8/28/1995



249.424. Lateral sewer line repair, annual fee authorized — submitted to voters, ballot language — fee may be added to general tax levy bills. — 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district's board of trustees, any sewer district established and organized under this chapter may levy and impose annually a fee not to exceed thirty-six dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or fewer dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated area of a county that already imposes a fee under section [249.422](#). Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of [chapter 448](#), the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association to notify the sewer district that they are not properly classified as provided in this section.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated area of a county that already imposes a fee under section [249.422](#). The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed thirty-six dollars be assessed annually on residential property for each lateral sewer service line serving six or fewer dwelling units on that property and condominiums that have six or fewer condominium units per building and any condominium responsible for its own

individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated area of the county that already imposes a fee under section [249.422](#). All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section [249.422](#), later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of voters voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county.

(L. 2014 H.B. 1692 merged with S.B. 672)

CROSS REFERENCE:

Lateral sewer service lines repair fee established, [249.422](#); added to tax bills of property owners, [249.423](#)

8/28/2014

249.425. Metropolitan sewer district, design-build contracts authorized, procedure — exemption. — 1. As used in this section, the following terms mean:

(1) "**Design-build**", a project for which the design and construction services are furnished under one contract;

(2) "**Design-build contract**", a contract between a sewer district and a design-build contractor to furnish the architecture, engineering, and related design services, and the labor, materials, and other construction services required for a specific construction project;

(3) "**Design-build contractor**", any individual, partnership, joint venture, corporation, or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts;

(4) "**Design-build project**", the design, construction, alteration, addition, remodeling, or improvement of any sewer district buildings or facilities under contract with a sewer district. Contracts for design-build projects that involve the construction, replacement or rehabilitation of a sewer district pump station or any other project that is located solely on sewer district property, such that in all cases, the project must exceed an expenditure of one million dollars. Design-build projects shall not include projects built on easements or rights-of-way dedicated to the sewer district involving open-cut sewer lines or rehabilitation of sewer district sewer lines;

(5) "**Design criteria package**", performance-oriented specifications for the design-build project sufficient to permit a design-build contractor to prepare a response to the sewer district's request for proposals for a design-build project, which may include preliminary designs for the project or portions thereof;

(6) "**Sewer district**", any metropolitan sewer district established under Section 30(a), Article VI, Constitution of Missouri.

2. (1) Notwithstanding any other provision of law to the contrary, any sewer district is authorized to enter into design-build contracts for design-build projects that exceed an expenditure of one million dollars.

(2) In using a design-build contract, the sewer district shall establish a written procedure by rule for prequalifying design-build contractors before such design-build contractors will be allowed to make a proposal on the project.

(3) The sewer district shall adopt procedures for:

(a) The prequalification review team;

(b) Specifications for the design criteria package;

- (c) The method of advertising, receiving, and evaluating proposals from design-build contractors;
 - (d) The criteria for awarding the design-build contract based on the design criteria package and a separate proposal stating the cost of construction; and
 - (e) Other methods, procedures, and criteria necessary to administer this section.
- (4) The sewer district is authorized to issue a request for proposals to a maximum of five design-build contractors who are prequalified in accordance with this section.
- (5) The sewer district may require approval of any person performing subcontract work on the design-build project including, but not limited to, those furnishing design services, labor, materials or equipment.
3. (1) Before the prequalification process specified in this section, the sewer district shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified under [chapter 493](#), located within the cities located in the sewer district, or if there be no such newspaper, in a qualified newspaper of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for qualification submissions on said design-build project.
- (2) If the sewer district fails to receive at least two responsive submissions from prequalified design-build contractors, submissions shall not be opened and the sewer shall readvertise the project.
- (3) The sewer district shall have the right to reject any and all submissions and proposals.
- (4) The proposals from prequalified design-build contractors shall be submitted sealed and in writing, to be opened publicly at the time and place of the sewer district's choosing. Technical proposals and qualifications submissions shall be submitted separately from any cost proposals. No cost proposal shall be opened until the technical proposals and qualifications submissions are first opened, evaluated, and ranked in accordance with the criteria identified by the sewer district in the request for proposals.
- (5) The design-build contract shall be awarded to the design-build contractor whose proposal represents the best overall value to the sewer district in terms of quality, technical skill, schedule, and cost.
- (6) No proposal shall be entertained by the sewer district that is not made in accordance with the request for proposals furnished by the sewer district.

4. (1) The payment bond requirements of section [107.170](#) shall apply to the design-build project. All persons furnishing design services shall be deemed to be covered by the payment bond the same as any person furnishing labor or materials; however, the performance bond for the design-build contractor does not need to cover the design services as long as the design-build contractor or its subcontractors providing design services carry professional liability insurance in an amount established by the sewer district in the request for proposals.

(2) Any person or firm providing architectural, engineering, or land surveying services for the design-build contractor on the design-build project shall be duly licensed or authorized in this state to provide such services as required by [chapter 327](#).

5. (1) A sewer district planning a design-build project shall retain an architect or engineer, as appropriate to the project type, under sections [8.285 to 8.291](#), to assist with programming, site selection, master plan, the design criteria package, preparation of the request for proposals, prequalifying design-build contractors, evaluation of proposals, and preparation of forms necessary to award the design-build contract. The sewer district shall also retain that same architect or engineer or another to perform contract administration functions on behalf of the sewer district during the construction phase and after project completion. If the sewer district has an architect or engineer capable of fulfilling the functions described in this section, the sewer district is exempt from being required to retain another such professional.

(2) Any architect or engineer who is retained by a sewer district under this section shall be ineligible to act as the design-build contractor, or to participate as part of the design-build contractor's team as a subcontractor, joint venturer, partner, or otherwise for the same design-build project for which the architect or engineer was hired by the sewer district.

6. Under section [327.465](#), any design-build contractor that enters into a design-build contract for a sewer district is exempt from the requirement that such person or entity hold a certificate of registration or such corporation hold a certificate of authority if the architectural, engineering, or land surveying services to be performed under the contract are performed through subcontracts with properly licensed and authorized persons or entities, and not performed by the design-build contractor or its own employees.

(L. 2011 S.B. 173)

8/28/2011

249.430. Definitions. — For the purpose of sections [249.430 to 249.660](#), the following definitions will apply:

- (1) "**Lateral sewer district**" shall mean all of the area served by a lateral area;
- (2) "**Main sewer district**" shall include all of the area in, and including the watershed, and including the area of any submain and lateral sewer districts served by the main sewer;
- (3) "**Submain sewer district**" shall mean all of the area served by a submain sewer district and shall include the area of any lateral sewer district served by a submain sewer.

(L. 1941 p. 557 § 2)

8/28/1941



249.440. Incorporation of sewer districts by county commission — powers of county commission. — The county commission of any county in this state, in which is located an unincorporated village or district in which main and submain sewers have already been constructed or hereafter may be constructed or deemed necessary, shall have power to establish sewer districts as provided in section [249.450](#), and to provide for the construction of sewers therein, and to pay the costs thereof by levying special assessments against the lots, tracts or parcels of ground in said sewer districts, and to issue special tax bills evidencing such assessments.

(L. 1941 p. 557 § 1, A.L. 1953 p. 541, A.L. 1957 p. 585, A.L. 1959 S.B. 261)

CROSS REFERENCES:

Contractual agreements between political subdivisions for common facilities and services, [70.210 to 70.325](#)

County planning commission, class one counties to approve improvements, [64.050, 64.235](#)

8/28/1959

249.450. Number of petitioners required — district created by county commission, corporate powers. — 1. In any county having not less than five hundred thousand and not more than seven hundred thousand inhabitants, in any county which adjoins or which contains a portion of a city having more than four hundred thousand inhabitants, and in any county of the first class not having a charter form of government, whenever a petition signed by ten percent of the voters of the proposed

district is filed with the county clerk of any such county, or whenever such county commission deems the construction of sewers necessary for sanitary or other purposes, such county commission after consultation with the sewer engineer shall adopt a resolution to establish such sewer district or districts. The resolution shall describe generally the size and location of the proposed sewer district or districts.

2. In any county of classes two, three or four which are not subject to subsection 1, the county commission of the county, upon the filing of a petition signed by ten percent of the voters of the proposed district, shall, after consultation with the sewer engineer, adopt a resolution to establish the sewer district. The resolution shall describe generally the size and location of the proposed sewer district.

3. Any sewer district created by resolution of the county commission in accordance with this section shall be a body corporate and a political subdivision of the state of Missouri, shall be capable of suing and being sued in contract in its corporate name, and shall be capable of holding such real and personal property necessary for corporate purposes. The county commission shall serve as the governing body of any sewer district created in accordance with this section.

(L. 1941 p. 557 § 5, A.L. 1959 S.B. 261, A.L. 1963 p. 395, A.L. 1973 H.B. 625, A.L. 1978 H.B. 971, A.L. 1983 H.B. 371)

8/28/1983

249.451. Certain counties may assign operation of sewer district to any common sewer district which lies totally or partially in county, procedure (Jackson, Cass, St. Louis and all first classification counties). — A county commission serving as the governing body of any sewer district, now or hereafter existing and created in accordance with subsection 1 of section [249.450](#), may by resolution delegate and assign responsibility for the control and operation of such district to the board of trustees of any common sewer district formed under sections [204.250 to 204.470](#) which lies wholly or partially within the same county, subject to the acceptance of such delegation and assignment by such board of trustees. Upon such acceptance, the delegation and assignment shall become irrevocable except by action of both the county commission and the board of trustees of the common sewer district, and the board of trustees of the common sewer district shall have the same powers and duties with regard to the sewer district created under subsection 1 of section [249.450](#), as are provided the county commission under [chapter 249](#).

(L. 1995 H.B. 88 § 23)

8/28/1995

**249.460. Sewer engineer appointment — duty to advise county commission. —**

Whenever the county commission deems it necessary to provide for the construction of sewers as provided for in sections [249.430 to 249.660](#), it shall designate the county highway engineer or other qualified engineer as sewer engineer. The sewer engineer shall advise the county commission with reference to proper boundaries of any sewer districts to be established and shall also superintend the construction of the sewers and the maintenance thereof and the apportionment of the cost thereof as provided by law. The county commission shall also request the county clerk to appoint or designate a deputy county clerk to keep the special records which will, or shall be required for the proceedings for the construction and maintenance of sewer districts or divisions.

(L. 1941 p. 557 § 3, A.L. 1983 H.B. 371)

8/28/1983

249.470. Districts to be established by resolution of commission — countywide sewer districts, when. — 1. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections [249.430 to 249.660](#). The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.

2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county

commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.

(L. 1941 p. 557 § 4, A.L. 1999 H.B. 450, A.L. 2000 H.B. 1238)

8/28/2000

249.480. Resolution to be published — hearing of protest. — 1. The county commission shall set a day for hearing anyone who might be interested with regard to the proposed work and shall publish the resolution with a notice of the time and place of hearing in some local newspaper of general circulation, published in the county, and if possible in the district affected by the resolution, and designated by the county commission, at least two weeks before the date of the hearing, and by posting a copy of the resolution in five public places in the proposed sewer district or districts. At such hearing anyone interested in the proposed construction or operation of sewers may appear and present his views to the county commission.

2. Unless a majority of the registered voters within the sewer districts shall file a protest in writing with the county clerk on or before the day set for a hearing, the county commission may proceed with the construction of the sewers. If such a majority protest is filed, the county commission shall have no authority to proceed with said work unless the department of health and senior services or the department of natural resources files with the county clerk a written recommendation that such sewer is necessary for sanitary or other purposes, in which case the county commission shall have the right to proceed as if no protest had been filed. The determination of the county commission as to the sufficiency of any protest shall be conclusive unless such determination is attacked by a proceeding in the circuit court within ten days after such determination. After the expiration of six months after the filing of any such protest a new resolution may be adopted if deemed necessary by the county commission.

(L. 1941 p. 557 § 6, A.L. 1983 H.B. 371)

8/28/1983



249.485. Sewer district to be separate entity not part of county commission, exception. — A sewer district created under sections [249.430 to 249.667](#) is to be considered an entity separate from the county commission, and is not governed by the administrative or procedural requirements of county commissions unless specified otherwise in sections [249.430 to 249.667](#).

(L. 1983 H.B. 371)

8/28/1983

249.490. County commission may alter district boundaries. — The county commission shall have authority, by resolution, to subdivide, enlarge, or change the boundaries of any sewer district authorized in sections [249.430 to 249.660](#), and more than one main sewer may be laid in one district if deemed necessary by the county commission for sanitary or other purposes.

(L. 1941 p. 557 § 11, A.L. 1983 H.B. 371)

8/28/1983

249.500. Joint sewers may be established by county commission. — Joint district sewers may be constructed by the county commission whenever the county commission deems it necessary that a sewer shall be constructed in any part of a sewer district extending into two or more districts. In such case, it may, by resolution, unite contiguous sewer districts into a joint sewer district and cause a sewer to be constructed therein in like manner and in all respects as is provided in the case of district sewers. The cost of constructing said joint district sewer, less any amount procured from federal or other governmental source, shall be assessed and paid in special tax bills against the property included in the joint sewer district, the same as provided in the case of district sewers. The action of the county commission creating the joint sewer district shall be conclusive as to the necessity therefor, and no special tax bills shall be held invalid or be affected on account of the included drainage area thereof, or the size, character or purpose of such sewer; provided, that no sewer district shall be included in such joint district which is not included in the natural drainage area in the valley or watercourse in which the joint district sewer is proposed to be constructed, or which may be conveniently served in said area.

(L. 1941 p. 557 § 12)

8/28/1941



249.510. Contract bids. — If the county commission determines to proceed with the construction of district sewers it shall cause plans and specifications to be prepared by the sewer engineer and shall advertise for bids for said work by causing a notice to bidders to be published, at least two weeks prior to the date of receiving bids, in a newspaper of general circulation published in said county. All contracts for such work shall be awarded to the lowest and best bidder, but the county commission may reject any and all bids.

(L. 1941 p. 557 § 7)

8/28/1941

249.515. County commission's powers — treatment system, violations — compliance period — failure to comply, penalty. — 1. The county commission may contract with each participating community for the payment of its proportionate share of treatment costs.

2. The county commission may refuse to receive any wastes into the sewage system which do not meet relevant water pollution, solid waste, or pretreatment standards.

3. The county commission shall have all of the powers necessary and convenient to provide for the operation, maintenance, administration, and regulation, including the adoption of rules and regulations, of any individual home or business sewage treatment systems within the jurisdiction of the sewer district.

4. The county commission shall have power to pass all necessary rules and regulations for the proper management and conduct of the business of the sewer district, and for carrying into effect the objects for which the district is formed.

5. After the owner of the sewer treatment system has been notified of any violation and has been given a reasonable time of not less than thirty days in which to come into compliance, it shall be a class C misdemeanor for any sewer treatment system to be operated within the jurisdiction of the sewer district which is not in compliance with applicable water pollution, solid waste, or pretreatment regulations or ordinances. Any penalty imposed by this subsection shall not preclude any appropriate civil remedy.

(L. 1983 H.B. 371)

8/28/1983

249.520. Contractor's bond — apportionment of costs — assessments — tax bills. — 1. The contractor to whom such contract is awarded shall enter into a contract with the county commission and shall furnish a corporate surety bond to be approved by

the county commission in an amount set by the commission and at least as much as the amount of the contract.

2. When the terms of such contract have been completed under the supervision of the sewer engineer, said engineer shall compute the cost thereof, including necessary engineering and clerical expenses, certify same to county clerk who shall then proceed to apportion the same against the lots, tracts, or parcels of ground in such sewer district or districts calculated according to one of the following:

(1) The square footage in proportion to the area of the whole district;

(2) The lineal feet of sewer line running along or through the property for each lot, tract, or parcel of ground in the sewer district, exclusive only of public highways and parks; or

(3) By determining the total number of lots affected and apportioning the cost equally to each lot; and shall report the same to the county commission. Upon presentation of the report of the sewer engineer the county commission shall levy an assessment in accordance therewith against all the land except public highways and parks in the sewer district or districts, and shall issue special tax bills to the contractor in payment for the work.

3. In case the owner of any land described in any such tax bill files a request with the county clerk prior to the acceptance of the work by the county, requesting that his tax bill or bills shall be made payable in equal installments, or in case the county commission determines that it is advisable that they be paid in installments, such special tax bills shall be payable in annual equal installments from two to ten years after the date of their issue, as the commission deems warranted under the circumstances. The whole of any such special tax bill made payable in installments may be paid at the date of any installment payment.

4. Every certified tax bill, whether the same be made payable in installments or not, shall bear interest at the current rate per annum as approved by the county commission from the date of issue until paid, but may be paid without interest within thirty days after the date of issue, and shall be a special lien against the property described therein for a period of five years from its date, except for when payable in installments, when the special lien shall extend for a period of one year after the date the last installment payment shall become due. Every such certified tax bill shall be assignable and shall in an action brought to recover the amount thereof be prima facie evidence of the validity of the charges against the property therein described. If such

tax bills are not issued in installments as provided in section [249.530](#), they shall become due and payable thirty days after date.

(L. 1941 p. 557 § 8, A.L. 1983 H.B. 371, A.L. 1997 H.B. 159)

8/28/1997



249.530. Construction without contract. — In addition to the method of constructing sewers by contract as provided for in section [249.510](#), if the county commission deems it practicable to procure from federal or any other governmental source any part of the cost of the construction of main or submain or lateral sewers, or if for any other reason said county commission deems it more efficient and economical to construct any of such sewers without letting a contract therefor, the county commission may proceed to the construction of the same under the supervision of the sewer engineer. In such case, an accurate account of the cost thereof shall be kept by the county commission and the commission shall be authorized to accept any financial aid either by the contribution of labor or material, or both, and any amount so received shall be first applied to the cost of such work and the balance thereof shall be paid by special assessment apportioned as provided in section [249.510](#), and special tax bills shall be issued therefor. The tax bills authorized in this section may be issued in installments, or payable at one time, as provided in section [249.520](#) where work is done by a contractor. The county may bring suit to collect the said tax bills, or they may be assigned by the county commission on such terms as it deems advisable.

(L. 1941 p. 557 § 21)

8/28/1941

249.540. Right of condemnation — right to enter private land to survey — sewer lines across unplatted land, expense of construction and restoration. — 1. The county commission shall have the right to condemn any land or other property within or without the district for right-of-way for sewers or for any other improvements or structure deemed necessary or advisable for or in connection with the sewer system of the district or districts, or for any of the purposes provided in sections [249.430](#) to [249.660](#), and in so doing shall follow the procedure that is now provided by [chapter 523](#). The county commission shall also have the same authority to enter upon private lands to survey land or other property before exercise of the above condemnation powers as is granted under section [388.210](#) to railroad corporations.

2. If it is necessary to construct a trunk sewer or similar sewage handling line across or on any land that has not been platted and such plat finally approved by the

county planning commission, county zoning commission, county planning and zoning commission, or county governing body, the expenses incurred in constructing such line and restoring the land across or on which such line is located as near as possible to its former condition shall be apportioned against the adjoining property, area, or districts served.

(L. 1941 p. 557 § 24, A.L. 1959 S.B. 210, A.L. 1983 H.B. 371)

8/28/1983

249.550. Assistants employed by sewer engineer. — The sewer engineer is hereby given authority to employ such help and assistance as may be necessary for the carrying on of the maintenance, repair and administrative expenses of any sewer district or districts, as provided in sections [249.430 to 249.660](#), subject to the approval of the county commission.

(L. 1941 p. 557 § 18)

8/28/1941



249.560. Apportionment of expenses — regulation of connections — contracts with municipal corporations. — 1. Engineering and administrative expense for sewer extensions and laterals shall be apportioned against the adjoining property, area or districts served.

2. The county commission may make general regulations concerning the right to make house or building connections with any of said sewers and shall require that a permit must be obtained from the sewer engineer before such connection shall be allowed and also that all costs of making such connection shall be paid by the person requesting such permit. The county commission, by resolution, may delegate full authority to the sewer engineer to regulate the connections of any sewer herein provided for and to regulate the kind of sewage which may be discharged therein.

3. The sewer engineer may be authorized by the county commission to make a contract or contracts with any municipal corporation to allow such municipal corporation to discharge sewage in any part of the sewerage system, which is maintained under the provisions of sections [249.430 to 249.660](#), for such compensation and upon such reasonable terms as may be agreed upon between such municipal corporation and such sewer engineer, all subject to the approval of the county commission. The sewer engineer, by and with the approval of the county commission, shall also have power and authority to adopt, formulate and promulgate a code or set of rules and regulations pertaining to and respecting any and all specifications,

plumbing installations and repair work on any fixtures or appurtenances located on any premises included in or embraced by any district or districts set up, as provided for in sections [249.430](#) to [249.660](#).

(L. 1941 p. 557 § 19)

8/28/1941

249.565. Violation of section or regulation, misdemeanor. — Any person who shall violate section [249.560](#), or any order, rule or regulation adopted under the authority of said section shall be guilty of a misdemeanor.

(L. 1955 p. 606 § 1)

8/28/1955

249.570. Connection of previously constructed sewers. — In all cases where lateral sewers have already been constructed of suitable materials and manner of construction the county commission shall provide regulations authorizing the connection of the same with the main or submain sewers and shall have the same authority to regulate house and building connection with said sewers as with sewers constructed under sections [249.430](#) to [249.660](#). The ground served by any such lateral sewer already constructed may be established as a sewer district by the county commission and shall not be assessed with the cost of construction of any sewer provided for in sections [249.430](#) to [249.660](#) except submain or main sewers, unless it is deemed necessary by the county commission that additional sewers be constructed in said district or districts, in which case the county commission shall have the right to construct additional sewers and levy assessments to pay the cost thereof, the same as in the case of other districts.

(L. 1941 p. 557 § 20)

8/28/1941



249.580. Special tax bills. — All special tax bills provided for by sections [249.430](#) to [249.660](#) shall be made out in favor of the contractor to be paid, or his assignee, and all such special tax bills shall be certified by the county clerk or in his name by any deputy county clerk thereto authorized by an order of the county commission of record, and said county clerk shall deliver such tax bills to the party in whose favor made out, or his assignee, and take the receipt of such party therefor in full of all claims against the county on account of the work for which such tax bills shall have been made out. No

tax bill need give the name of any party owning or interested in the land charged thereby.

(L. 1941 p. 557 § 9)

8/28/1941

249.590. Record of special tax bills. — The county clerk shall keep a record of all special tax bills issued under the provisions of sections [249.430 to 249.660](#), said record to contain a description of the land covered by each special tax bill, the amount assessed against the same, and the date of the issue thereof and the rate of interest thereon, and also the name of the respective owners of the tracts of land described in said tax bills, as shown by the tax books in the office of the county collector, but any error in such record shall not affect the validity of said special tax bills.

(L. 1941 p. 557 § 13)

8/28/1941

249.600. County not liable for errors. — When any work is done and payment therefor is to be made in special tax bills or in special assessments as provided in sections [249.430 to 249.660](#), the county shall in no event, nor in any manner whatever, be liable for or on account of such work done or improvement made or liable in any manner for the payment of the same by reason of any invalidity or error in any such tax bill or special assessment.

(L. 1941 p. 557 § 10)

8/28/1941



249.610. Sewer tax bill record — inquiries about taxes — payments. — 1. The county clerk shall deliver a certified copy of said record of all special tax bills issued under the provisions of sections [249.430 to 249.660](#), to the county collector, who shall incorporate them in a special record known as "Sewer Tax Bill Record".

2. When any inquiry is made of the county collector concerning the amount of taxes against any lot, tract or parcel of land, in addition to the general taxes he shall report the amount of special sewer taxes levied against such lot, tract, or parcel of land. Anyone interested in said lot, tract or parcel of land may pay the amount of said special sewer taxes to the county collector who shall receive said payment and mark the same on his record of said special assessment and shall issue duplicate receipts therefor, one of which shall be filed with the county clerk and the fact of payment noted on the record of said special assessment in the office of the county clerk. Such

entry upon the books of the county collector shall be evidence of payment of the tax bills as therein stated. When the tax bills are issued payable in installments as provided in section 249.530, upon presentation of any such tax bill showing by endorsement the payment of any of said installments the county collector shall note the payment of such installments upon his record of special tax bills and such entry shall be evidence of payment of any such installment.

(L. 1941 p. 557 § 14)

8/28/1941

249.620. Collector shall pay holder of tax bill. — After any such tax bill or any installment has been paid to the county collector, he shall pay the amount of such payment to the holder of the special tax bill and shall cancel and preserve any such tax bill presented to him, or if only an installment of said tax bill has been paid, shall have the holder of such tax bill endorse the receipt of the amount of said tax bill upon the back of said tax bill, and when the last installment shall have been paid, mark such tax bill cancelled and preserve the same.

(L. 1941 p. 557 § 15)

8/28/1941

249.630. Procedure of recording payments. — When any special tax bill has been paid to the owner or holder thereof, and marked paid upon presentation of such bill to the county clerk he shall cancel and mark paid the amount of such tax bill on the record thereof, and such entry shall be evidence of the payment of the tax bill as therein stated. When the tax bills are issued payable in installments as provided in section 249.530, upon presentation of any such tax bill showing by endorsement the payment of any of the said installments the county collector shall note the payment of such installments upon his record of said tax bill and such entry shall be evidence of payment of such installment.

(L. 1941 p. 557 § 16)

8/28/1941



249.640. Special assessment for maintenance and administration — exception, unplatted lands, when — interest to be paid, when — tax lien against property authorized. — 1. Upon the recommendation of the sewer engineer, the county commission, by resolution, shall have authority to levy a special assessment upon all lots, tracts or parcels of land, including improvements, in any sewer district

established as provided in sections 249.430 to 249.660 for the maintenance, repair and administrative expense of the sewer in such sewer district or districts, the assessment to be levied according to the lots, tracts or parcels of real estate including improvements, as shown upon the assessment books prepared by the assessor of such county, such assessment not to exceed one-half of one percent of such assessed valuation; provided, however, that no assessment shall be made against any land that has not been platted and such plat finally approved by the county planning commission, county zoning commission, county planning and zoning commission, or county governing body, and against which condemnation proceedings for a trunk sewer or similar sewage handling line have been completed, unless the owner or owners of such land have petitioned for sewer service under sections 249.430 to 249.660 or have requested to tap-on to such line. The county clerk shall compute the amount of such assessment against each lot, tract or parcel of real estate in such sewer district or districts and deliver a certified copy of such assessment to the county collector. The county collector shall report such assessment to anyone making inquiry about the taxes and shall receive payment therefor, and issue a duplicate receipt therefor, one of which shall be filed with the county clerk, and such payments shall be remitted to the county treasurer who shall be required to keep a separate account thereof which shall be subject to warrants drawn on the account by the county commission, to be used only in the furtherance of the provisions of sections 249.430 to 249.660.

2. Every certified assessment shall bear interest from the date of issuance until paid, but may be paid without interest within thirty days after the date of issuance, and shall be a special tax lien against the property described therein for a period of five years from its date. The assessment levied and extended upon the books as aforesaid shall be collected in the same manner and the lien shall be enforced in the same manner as the taxes levied for state and county purposes.

(L. 1941 p. 557 § 17, A.L. 1955 p. 603, A.L. 1983 H.B. 371)

8/28/1983

249.645. Charges for sewer service, how computed — notice, hearing — delinquency, interest from due date — lien on land authorized — priority of lien — discontinuance of service. — 1. Any public sewer district created under the provisions of sections 249.430 to 249.660 or established pursuant to Article VI, Section 30(a) of the Missouri Constitution may establish, make and collect charges for sewage services, including tap-on fees. The charges may be set as a flat fee or based upon the amount of water supplied to the premises and shall be in addition to those charges

which may be levied and collected for maintenance, repair and administration expenses as provided for in section 249.640. Any private water company, public water supply district, or municipality supplying water to the premises located within a sewer district shall, upon reasonable request, make available to such sewer district its records and books so that such sewer district may obtain therefrom such data as may be necessary to calculate the charges for sewer service. Prior to establishing any such sewer charges, public hearings shall be held thereon and at least thirty days' notice shall be given thereof.

2. Any charges made under this section shall be due at such time or times as specified by the county commission, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent, they shall be a lien upon the land charged, upon the county commission filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The county commission shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

3. Should a lien be placed upon a customer's property by a public sewer district for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

4. Should the sewer charges remain unpaid for a period in excess of three months, the district, after notice to the customer by certified mail, shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid.

(L. 1969 S.B. 320 § 1, A.L. 1983 H.B. 371, A.L. 1991 H.B. 299, A.L. 1999 H.B. 450 merged with S.B. 160 & 82)

8/28/1999

249.650. Suits to collect taxes. — Suits to collect any tax bills herein authorized may be brought in any court of competent jurisdiction by the person to whom issued or any assignee in their own names. Every such certified tax bill shall, in an action brought to recover the amount thereof, be prima facie evidence of the validity of the charges against the property therein described; and where suit is brought before the liens have

expired, said liens shall continue until the termination of such suits and the satisfaction of the judgments.

(L. 1941 p. 557 § 22)

8/28/1941



249.660. Legal aid — how secured. — The county commission may require the county counselor, or an assistant county counselor, to give advice and conduct all legal proceedings or suits necessary in the administration of sections [249.430 to 249.660](#), and if deemed necessary the county commission may also employ a special attorney or attorneys for such purposes upon terms fixed by an agreement in writing.

(L. 1941 p. 557 § 23)

8/28/1941

249.663. Dissolution of district when obligations paid — disposition of assets. —

1. Any sewer district heretofore or hereafter created by the county commission of any county of the first class not having a charter form of government, the obligations of which district have been paid or payment therefor having been duly provided, may by order of the county commission be dissolved, and upon such dissolution all unexpended assessments and taxes in the operation and maintenance account of said district shall be paid into the county treasury, and all unexpended assessments, taxes, funds and deposits in the revenue and general obligation bond fund shall be applied toward the payment of the obligations of said district.

2. The county commission of any such county may, upon dissolution of any sewer district, lease, sell, transfer or convey any or all of its sanitary sewage system, treatment plant, facilities and appurtenances thereto, including both land and rights-of-way, and main and submain sewers in or for any sewer or joint sewer district to any municipality or other political subdivision, and, in such event, such municipality or other political subdivision shall have all of the powers and authority with respect to any bonds or obligations of such sewer district, or otherwise, as are conferred by [chapters 249 and 250](#) for such time as such bonds or obligations remain outstanding.

3. Any sewer district organized under the provisions of sections [249.430 through 249.665](#), except sewer districts organized in counties of the first class, may, if all obligations of the district have been paid or the payment thereof has been provided, be dissolved by order of the county commission. Upon dissolution the land, rights-of-way, treatment plant, main and submain sewers, and all appurtenances of the sewer district may be transferred or conveyed to a municipality or other political

subdivision. Upon the transfer all unexpended assessments, taxes, deposits, or other funds held by the district shall be transferred to the municipality for the construction, operation, and maintenance of the facilities of the district, except that all unexpended assessments, taxes, funds and deposits in the revenue and general obligation bond fund shall be held by the municipality for the payment of the obligations of the district.

(L. 1961 p. 449 §§ 1, 2, A.L. 1963 p. 395)

8/28/1963

249.665. Incorporated cities excluded from district, when. — All incorporated cities located within the boundaries of any such county are hereby excluded from any sewer district formed under the provisions of sections [249.430 to 249.660](#), unless such city shall petition the county commission to participate in the county district and be accepted by the county commission. Any incorporated city discharging sewage into the sewer mains of any such sewer district shall pay to such sewer district for the use of said sewer mains an annual rental to be determined by a census of the population served, or by measurement of volume of sewage so discharged into said sewer mains, or by a stipulated contract price.

(L. 1951 p. 637)

8/28/1951



249.666. Assets of district within city to vest in city — city assumes liabilities — disposition of district funds. — Whenever a sewer district, or any part thereof, in any county of the first class not having a charter form of government, is embraced within the corporate limits of any municipality, all of the sanitary sewage system, treatment plant, facilities, and appurtenances thereto, including both land and rights-of-way and main and submain sewers of any sewer or joint sewer district, shall vest in said municipality, and it shall be the duty of said municipality to assume, take charge of, and exercise control over said sewage system. Whenever said district shall have issued bonds payable from taxes or from revenue, such municipality shall retain as to the area in such district all of the powers and authority theretofore conferred upon said district by law. All unexpended assessments and taxes in the operation and maintenance account of said district shall be paid into the county treasury, and all unexpended assessments, taxes, funds and deposits in the revenue and general obligation bond fund shall be applied toward the payment of the obligations of said district.

(L. 1961 p. 450 § 1)

8/28/1961

249.667. Powers of county commission as to city property if district bonds issued.

— Whenever a sewer district, in any county of the first class not having a charter form of government, shall embrace within its corporate limits any territory situated in any city, town or village, and shall have issued bonds payable from taxes or from revenue, the county commission of the county within which such district is situated shall retain, as to the area in such district, all of the powers and authority conferred by [chapters 249](#) and [250](#) for such period of time as such bonds remain outstanding.

(L. 1959 S.B. 211 § 1)

8/28/1959

249.668. County commission of certain counties to appoint trustees — term, responsibilities, powers — vacancies — compensation. — In all first class counties in which a charter form of government is adopted, the county commission, upon written request from all districts in the county, within sixty days prior to the effective date of the new charter form of government, shall by resolution, order, or ordinance, appoint five trustees, the majority of whom shall reside within the boundaries of the district. In the event there is more than one district within the county organized pursuant to this chapter the majority of the trustees appointed shall reside within the district having the greatest number of customers. The trustees, whose term shall begin on the same date that the charter form of government becomes effective, shall be responsible for the control and operation of all such sewer districts organized pursuant to this chapter in the county, and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county executive officer with the concurrence of the governing body of the county as constituted under the charter form of government. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.

(L. 1992 H.B. 1307 § 3)

Effective 4-7-92

4/7/1992



249.670. Liquidator — appointment — oath — bond — powers and duties. —

1. Whenever any sewer district heretofore or hereafter incorporated in any county, now or hereafter having a population of not less than seven hundred thousand inhabitants nor more than seven hundred and fifty thousand inhabitants, under any statute of this state heretofore or hereafter enacted is to be dissolved under and pursuant to law, the governor shall appoint a liquidator of such sewer district. Such liquidator shall qualify by taking an oath administered by the circuit court clerk of said county, to faithfully perform the duties of his office as liquidator of such sewer district, and shall give bond conditioned upon like performance in such penal sum as shall be fixed by the circuit court. The governor shall have the power to remove such liquidator at will with or without cause and in the event of such removal shall appoint a successor.

2. Such liquidator shall have all the powers and be charged with all the duties of the board of supervisors of such district, and shall have power by and with the approval of the circuit court to compromise any or all outstanding indebtedness of the sewer district; said liquidator shall have the power with the approval of the court to contest the validity of any claim arising against such sewer district by the institution and prosecution or the defense of any action, and he shall likewise have power, subject to the same approval, where the total uncollected taxes levied by such sewer district exceeds the outstanding indebtedness with interest, to compromise such taxes upon such basis as will provide for the payment of the outstanding debts, with interest, taking into account the cost of liquidation and, if a compromise of any indebtedness of the district shall have been made, such compromise of taxes shall take into account the reduction in the indebtedness made by reason of such compromise.

(RSMo 1939 § 12682, A.L. 1953 p. 541, A.L. 1961 p. 448)

8/28/1961

249.680. Liquidator to have full charge of district. — Upon the appointment and qualification of the liquidator for any district, he shall immediately succeed to the powers and duties of the board of supervisors and officers of such district and thereafter such officers and supervisors in such district shall cease to have any further powers or duties except to transfer to such liquidator all funds and property of such district and the liquidator shall be substituted as party plaintiff or defendant in all suits by or against the district or the supervisors. Said liquidator immediately upon his appointment and qualification shall take possession of all the property and effects of such sewer district and shall have the power with the approval of the court to dispose of the same.

(RSMo 1939 § 12683)

8/28/1939

249.690. Court defined. — In any county in which the circuit court now consists or shall hereafter consist of more than one division, presided over by a circuit judge, the word "**court**" as used in sections 249.670 to 249.700 shall mean the circuit judges of the court sitting as a court en banc and the decision of a majority of the circuit judges thereof shall be controlling with respect to the provisions of sections 249.670 to 249.700. In any county in which there are now or hereafter shall exist more than one district to which sections 249.670 to 249.700 are or shall become applicable, the governor shall appoint the same liquidator for all such districts in such county.

(RSMo 1939 § 12684, A.L. 1978 H.B. 1634)

Effective 1-2-79

1/2/1979



249.700. Compensation of liquidator and counsel. — The liquidator under sections 249.670 to 249.700 shall receive compensation to be fixed by the court, not to exceed two hundred and fifty dollars per month, and he shall also have power, subject to the approval of the court, to employ counsel whose compensation shall not exceed two hundred dollars per month and necessary clerks whose compensation shall be approved by the court; such counsel and clerks shall serve at the will of the liquidator. The compensation of the liquidator, his counsel and clerks shall be deemed part of the cost of winding up the district.

(RSMo 1939 § 12685)

8/28/1939

249.710. Penalty for nonpayment of tax fixed — prior inconsistent laws repealed. — Hereafter all penalties for the nonpayment of any tax levied by any sewer district incorporated under the laws of this state shall be one-half of one percent per month and no more, notwithstanding the provision of any prior law under which such sewer district may have been or may be hereafter incorporated, and any and all provisions of any law under which sewer districts may have been or may hereafter be incorporated inconsistent with the provisions of this section are hereby repealed.

(RSMo 1939 § 12686)

8/28/1939

249.720. Abatement of accrued penalties for delinquency. — All penalties accrued for the nonpayment of any tax levied by any sewer district incorporated under the laws of this state in excess of one-half of one percent per month are hereby abated and remitted, and the amount of any such penalty reduced to one-half of one percent per month.

(RSMo 1939 § 12687)

8/28/1939



249.730. Court costs not taxed, when. — In the event of any suit at law or in equity hereafter filed against any delinquent taxpayer for the purpose of enforcing collection of any tax levied by any sewer district incorporated under the laws of this state, and in the event the petition in such suit claims an amount as penalties in excess of one-half of one percent per month and for which no use has been provided by law, in such suits it shall be unlawful to tax any court costs against such taxpayer so sued.

(RSMo 1939 § 12688)

8/28/1939

249.740. Court costs may be abated, remitted or not taxed. — Whenever any sewer district incorporated under the laws of this state shall sue any delinquent taxpayer on account of any tax levied by such sewer district, and if such sewer district be exempt by law from securing or paying the court costs incident to such suit, then in all such cases all courts of this state before whom such suit may be hereafter heard shall take into consideration all of the facts and circumstances concerning the levy of such tax and the bringing of such suit, the claims made in the district's petition, all matters of evidence and all facts and circumstances touching the question of justice in the premises, and the court may, in such cases, in its discretion and in furtherance of justice, abate, remit, waive or refuse to tax any court cost accrued in such case against such delinquent taxpayer.

(RSMo 1939 § 12689)

8/28/1939

249.750. Suits dismissed, when — winding up affairs, discharge of liquidator. —
1. Whenever the expense of collecting the tax bills, in suits, in any sewer district, is greater than the receipts that might be collected in such suits, then the liquidator shall dismiss said suits.

2. When all suits in all of the districts in any county to which this section applies are dismissed the liquidator shall sell all office furniture and equipment for cash. All books and records of said districts shall be delivered to the county clerk for safekeeping.

3. After the payment of expenses, the balance on hand shall be paid into the general revenue fund of the county in which districts are located.

4. The liquidator shall file a final report with the court en banc and upon the approval of said report the said court shall adjudge and decree that said districts (naming them) are fully administered and dissolved and discharge the liquidator.

(L. 1953 p. 545)

8/28/1953



249.761. Definitions. — For the purposes of sections [249.761](#) to [249.810](#), the following words and terms mean:

(1) "**Owner**", for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the sewer district and subject to charges for use and services of the sewer system or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual who is legally authorized to represent the entity with regard to the sewer district;

(2) "**Registered voters**", persons who are qualified and registered to vote under [chapter 115](#) under the records of the election authority having jurisdiction over the area in which the boundaries of the sewer district are located, as of the thirtieth day prior to the date of the applicable election;

(3) "**Voters**", registered voters who reside within a sewer district, or if fewer than five registered voters reside within a sewer district, the registered voters and owners of real property located within the sewer district per the tax records for real property of the county clerk, as of the thirtieth day prior to the date of the applicable election; provided, however, "voters" voting on the issuance of general obligation bonds means registered voters who reside within the sewer district and "voters" in an area proposed to be annexed under section [249.807](#) means registered voters in the area proposed to be annexed.

(L. 2006 S.B. 802)

Effective 5-19-06

5/19/2006

249.763. Incorporation of district — petition — bond. — Any contiguous area lying within a second classification county or any contiguous area lying within a county of the second classification, together with a contiguous area not presently served by a public sewage system within an incorporated city, may be incorporated as a sewer district as follows: ten percent of the voters within the area may file with the circuit court a petition setting forth the reason or necessity for a sewage treatment facility and a sewer system; the boundary lines of the proposed district; the names of the owners of real property within the district; and the name of the proposed district. The petition shall specify whether the board of supervisors shall be elected or appointed. A bond shall be filed with the petition in a sum to be determined by the court but not in excess of five hundred dollars, payable to the state, signed by one or more of the petitioners with sufficient surety or sureties to be approved by the court, conditioned upon the payment of costs and expenses.

(L. 1961 p. 451 § 2, A.L. 1978 H.B. 971, A.L. 1996 S.B. 665)

8/28/1996

249.765. Notice of proceedings. — 1. Immediately after the petition has been filed, the clerk in whose office the petition has been filed shall give notice by causing publication to be made once a week for four consecutive weeks in some newspaper published in the county in which is situate the real property of the district, the last insertion to be made at least fifteen days prior to the first day of the next regular term of the circuit court at which the petition is to be heard.

2. The notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections [249.760](#) to [249.810](#).

NOTICE OF APPLICATION TO FORM SEWER DISTRICT

Notice is hereby given to all persons interested in the following described real property in _____ County of Missouri (here describe the property as set out in the petition) that a petition asking that the foregoing real property be formed into a sewer district under the provisions of sections 249.760 to 249.810, RSMo, and that the real property as above described will be affected by the formation of the sewer district and be rendered liable to taxation for the purposes of paying the expenses of organizing and making and maintaining the improvements that may be found necessary for the construction and maintenance of sewage treatment facilities and the sewer system in the

district, and you, and each of you, are hereby notified to appear at the next term of this court to be held on the _____ day of _____, 20_____, at _____ in _____ County, and show cause, if any there be, why the sewer district as set forth in the petition shall not be organized as a public corporation of the state of Missouri.

Clerk of the circuit court of _____ County.

(L. 1961 p. 451 § 3, A.L. 1978 H.B. 971)

8/28/1978



249.767. Objections, who may file, disposition — filing and recording decree of incorporation. — 1. Any voter who may not have signed the petition, objecting to the organization and incorporation of the sewer district, shall, on or before the first day of the term of court at which the cause is to be heard, file his objection why the sewer district should not be organized and incorporated. The objection shall be limited to a denial of the statements in the petition, and shall be heard by the court in a summary manner, without unnecessary delay, and in case all such objections, if any, are overruled, the circuit court shall by its order, duly entered of record, duly declare and decree the sewer district a public corporation of this state. The court may amend the petition by changing the proposed boundaries in such manner as to exclude an objecting party from the proposed district. If the court finds that the property set out in the petition should not be incorporated into a sewer district, it shall dismiss the proceedings and adjudge the costs against the signers of the petition.

2. Any person having signed the petition shall have no right to have the proceedings dismissed as to him without the written consent of the majority of the voters who signed the petition. The petition may be amended as any other pleading.

3. Within sixty days after the district has been declared a public corporation by the court, the clerk thereof shall transmit to the secretary of state a certified copy of the findings and decree of the court incorporating the district, and the same shall be filed in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed under the general law concerning corporations.

4. A copy of the findings and decree, together with a plat of the district, shall also be filed in the office of the county recorder, where the same shall become a permanent record, and the recorder shall receive a fee of one dollar for filing and preserving the same.

(L. 1961 p. 451 § 4, A.L. 1978 H.B. 971)

8/28/1978

249.770. First election of supervisors — terms. — Within one year after any sewer district has been organized and incorporated under the provisions of sections [249.760](#) to [249.810](#) there shall be elected a board of five supervisors, to be composed of voters in the district and the supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors are elected and qualified.

(L. 1961 p. 451 § 5, A.L. 1978 H.B. 971)

8/28/1978

249.773. Election of supervisors — terms — vacancies, how filled. — On each municipal election day, the voters of the district shall elect one supervisor who shall hold his office for five years or until his successor is elected and qualified. Should a vacancy occur, the supervisors shall select a person to fill the vacancy who shall serve until the next regular election.

(L. 1961 p. 451 § 6, A.L. 1978 H.B. 971, A.L. 1982 S.B. 526)

Effective 5-20-82

5/20/1982



249.774. Board members for sewer districts, appointment, terms, vacancies. — Following establishment of a sewer district with an appointed board, the chief executive officer of the city shall appoint two members and the county commission shall appoint three members to the sewer district board of directors. The board members shall serve without compensation for terms of four years and until their successors are appointed and qualified; provided, however, that of the initial appointments by the mayor one shall be for a term of one year and one shall be for a term of two years and of the initial appointments by the county commission, one shall be for one year, one for two years and one for three years. A vacancy shall be filled by the mayor or the county commission depending on who made the initial appointment.

(L. 1996 S.B. 665)

8/28/1996

249.775. Oath of supervisors. — Each supervisor before entering upon his official duties shall take and subscribe to an oath before some officer authorized by law to

administer oaths, that he will honestly, faithfully, and impartially perform the duties devolving upon him in office as supervisor of the sewer district in which he was elected and that he will not neglect any of the duties imposed upon him by sections [249.760](#) to [249.810](#).

(L. 1961 p. 451 § 7)

8/28/1961

249.777. Rights and powers of district — board of supervisors to manage — treatment system violation, period to comply — failure to comply, penalty. — 1. A sewer district organized under the provisions of sections [249.763](#) to [249.810](#) is a political subdivision of the state and as such has the same rights and privileges and is subject to the same legal restrictions as are other similar political subdivisions.

2. The board shall have the general power to manage the affairs of the district and all powers vested in the district shall be exercised by its board of supervisors except insofar as approval of any action by popular vote may be expressly required by law.

3. Every district shall have the powers and purposes prescribed by this section and such others as may now or hereafter be prescribed by law. No express grant of power or enumeration of powers herein shall be deemed to limit the generality or scope of any grant of power.

4. A district may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

5. A district may acquire by purchase, gift or condemnation or may lease or rent any real or personal property. All the powers may be exercised both within or without the district as may be necessary for the exercise of its powers or the accomplishment of its purposes. A district may hold property for such purposes, and may lease or rent out or sell or otherwise dispose of any property so far as not needed for such purposes.

6. The district has the right to lay its lines in public highways, roads, streets and alleys within the district and to repair and maintain them but it must be done under reasonable rules and regulations of the governmental bodies having jurisdiction over these public places. In the construction of ditches, laying of lines, filling of ditches after lines are laid, connection of pipes and repairing of lines, due regard must be taken of the public in its use of thoroughfares and the equal rights of other utilities.

7. Proceedings for the condemnation of property shall be the same as proceedings provided for the condemnation of property by second class counties except that the proceedings shall be instituted and carried through by the board of supervisors. The

board of supervisors shall also have the same authority to enter upon private lands to survey land or other property before exercise of the above condemnation powers as is granted under section [388.210](#) to railroad corporations.

8. The board of supervisors may accept and utilize donations, gifts or contributions from the owners of property within the district or from others, and if funds acquired in this manner are adequate for the construction and maintenance of the sewer system, no bonds shall be issued.

9. Each district created or reorganized under sections [249.763 to 249.810](#) shall have all of the powers necessary and convenient so that it may furnish sewage disposal outlets and, in conjunction therewith, to provide for the construction, acquisition, betterment, operation, maintenance and administration of any disposal systems, individual home or business sewage treatment systems, sewage treatment plants, interceptors, mains, laterals, drains and all other appurtenances incidental thereto as the board shall determine to be necessary and expedient.

10. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, provide for connecting with or using or may lease or acquire and take over any system, works or facilities for the purposes herein provided belonging to any other governmental subdivision or other public agency.

11. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, authorize the use by any other governmental subdivision or other public agency of any system, works or facilities of the district constructed for any purpose herein provided so far as the capacity thereof is sufficient beyond the needs of the district. A district may extend any such system, works or facilities and permit the use thereof by persons outside the district, so far as the capacity thereof is sufficient beyond the needs of the district, upon such terms as the board may prescribe.

12. A district may be a party to a joint cooperative project, undertaking or enterprise with any one or more other governmental subdivisions or other public agencies for any purpose herein provided upon such terms as may be agreed upon between the governing bodies or authorities concerned. Without limiting the effect of the foregoing provision or any other provisions herein, a district, with respect to any of its purposes, may act under and be subject to the provisions of Section 16 of Article VI of the Constitution of Missouri, and [chapter 70](#).

13. The district may contract with each participating community for the payment of its proportionate share of treatment costs.

14. The district may refuse to receive any wastes into the sewage system which do not meet relevant state or federal water pollution, solid waste, or pretreatment standards.

15. If the county in which a sewer district lies, at any time while the district is in existence, changes its class to become something other than a second class county, the sewer district may continue to operate under the provisions of sections [249.763](#) to [249.810](#) as those sections now exist or as they may be amended.

16. After the owner of the sewer treatment system has been notified of any violation and has been given a reasonable time of not less than thirty days in which to come into compliance, it shall be a class C misdemeanor for any sewer treatment system to be operated within the jurisdiction of the sewer district which is not in compliance with applicable water pollution, solid waste or pretreatment regulations or ordinances. Any penalty imposed by this subsection shall not preclude any appropriate civil remedy.

17. In addition to other powers granted it by law, a sewer district organized under the provisions of sections [249.763](#) to [249.810](#) may, subject to the approval of a majority of the voters of the district who vote thereon, levy a special assessment, tax, fee, or charge on the property, or any portion thereof, within the district which is or will be served by the facilities to be built, maintained, or operated with the revenues of such special assessment, tax, fee, or charge.

(L. 1961 p. 451 § 10, A.L. 1983 H.B. 371, A.L. 1985 H.B. 95)

8/28/1985



249.780. Organization of board, quorum, monthly meetings — officers and employees — annual audits. — 1. Within four days after the appointment or election, the board shall meet and organize by choosing one of its members as chairman and one as secretary. The chairman and secretary shall serve for one year and until their successors are selected and qualified. A majority of the board shall constitute a quorum.

2. The board shall employ a treasurer and necessary professional, clerical and other personnel and determine their compensation. The treasurer may be either a member of the board or some other qualified individual. All employees shall serve at the will of the board.

3. The board shall hold regular monthly meetings and the president may call special meetings when it is deemed necessary.

4. All persons charged with handling funds shall be required to give bond in an amount fixed by the board but at the expense of the district.

5. The board shall employ a competent accountant to conduct an annual audit of the receipts, expenditures and fixed assets of the district.

(L. 1961 p. 451 § 9, A.L. 1983 H.B. 371)

8/28/1983

249.783. Duties of officers. — 1. The chairman of the board shall preside at all meetings, and execute all contracts into which the district may enter. In the absence of the chairman the secretary shall assume his duties.

2. The secretary shall keep the official records of the meetings of the board, attest all official documents, make reports pertaining to the business of the district when requested to do so by the board, and perform all other duties imposed upon him by sections [249.760](#) to [249.810](#).

3. The treasurer shall be the custodian of the funds of the district and pay money out of the treasury only upon warrants drawn on the treasury. Warrants shall be signed by the secretary and countersigned by the chairman.

4. The board from time to time may make additional rules and regulations concerning the duties of its officers and other employees.

(L. 1961 p. 451 § 10)

8/28/1961

249.785. Charges for sewage disposal — delinquency — interest due when — lien on land authorized. — 1. The board of supervisors may establish rates or charges for sewage disposal based upon the sums needed to retire the outstanding revenue bonded debt and pay the interest on these obligations. The board shall also take into consideration the need for extension of the system, repairs, replacements, overhead charges, operating expenses and the need for an operating fund out of which the district may make emergency expenditures and pay necessary incidental expenses. The board may differentiate between users in the rates charged on the basis of the different costs of treatment of the sewage of users or the capital contributions made by the several users. The board may adjust the rates charged to require the payment by users of the capital investment used to serve them.

2. Any charges made under this section shall be due at such time or times as specified by the board of supervisors, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon the land charged, upon the board of supervisors filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The board of supervisors shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

(L. 1961 p. 451 § 11, A.L. 1983 H.B. 371)

8/28/1983



249.787. Estimate of expenses — tax levy, how collected. — 1. Before the tenth day of May of each year the board of supervisors of any district organized under the provisions of sections [249.760](#) to [249.810](#) shall make an estimate of the amounts required to defray the expenses of the district.

2. The estimates shall be certified by the secretary of the board and filed by the clerk of the county in which the district lies. Upon the basis of these estimates the county commission shall levy an ad valorem tax on all taxable real property within the district sufficient to provide the necessary funds.

3. The clerk of the county commission shall enter the levies on the tax books 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 at the same time and in the same manner as the taxes levied for state and county purposes and the taxes when collected shall be remitted by the collector to the treasurer of the district.

(L. 1961 p. 451 § 12)

8/28/1961

249.790. Debt may be incurred, procedure. — 1. The board of supervisors of a sewer district organized under the provisions of sections [249.760](#) to [249.810](#) may borrow money either through the issuance of bonds or through other arrangements. In this event the board of supervisors shall proceed as follows: The board shall adopt a resolution indicating the reasons for borrowing money, the amount needed, the purpose for which it is to be used, and the arrangements for the loan or the amount and type of bonds to be issued.

2. The resolution may submit at the election a proposal to borrow money or to issue general obligation bonds, but the board of supervisors shall not have authority to borrow money or to issue bonds unless the constitutionally required percentage of the voters in the district voting on the question vote in the affirmative.

3. General obligation bonds shall be issued within the limits imposed by Section 26, Article VI, of the Constitution. Before, or at the time of, issuing general obligation bonds, the board of supervisors shall provide for the collection of an annual tax, levied on all taxable real property in the district, sufficient to pay the interest on the bonds as it falls due, and also to constitute a sinking fund for the payment of the principal within twenty years from the date of issuance, except that the net income and revenues arising from the operation of the sewer system after payment for costs of operation, maintenance, depreciation and necessary extensions and enlargements shall be transferred to the interest and sinking fund and applicable to the general obligation bonds issued under the provisions of sections [249.760](#) to [249.810](#).

4. All bonds issued under the provisions of this section shall be executed by the chairman of the board of supervisors, attested by the secretary of the board, and shall be of such denomination, contain such terms and be payable in such medium as the board of supervisors may determine.

(L. 1961 p. 451 § 13, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621)

8/28/1990

249.793. Board may issue current revenue bonds. — The board may issue and sell current revenue bonds to meet the current expenses of the district incurred in advance of the revenue to be derived from the property tax levy and to be paid out of the current revenue when accrued. The chairman of the board shall execute the bonds on behalf of the district and they shall be attested by the secretary.

(L. 1961 p. 451 § 14)

8/28/1961



249.795. Refunding bonds, how issued. — 1. Any sewer district organized under the provisions of sections [249.760](#) to [249.810](#) is authorized to refund all or any part of the outstanding bonded indebtedness of the district including interest, without an election.

2. When the bonds being refunded are general obligation bonds, payable from ad valorem taxes, the refunding bonds shall also be payable from ad valorem taxes levied

upon all the taxable real property in the district.

3. All refunding bonds of a sewer district shall be negotiable and may be issued and exchanged for existing bonds or coupons. The refunding bonds shall contain such terms and be in denominations and payable at the place or places designated by the board of supervisors.

(L. 1961 p. 451 § 15)

8/28/1961

249.797. Revenue bonds, issuance — effect on fees and charges. — 1. A sewer district organized under the provisions of sections [249.760 to 249.810](#) may in the manner hereinafter provided authorize and issue sewerage system revenue bonds of the district. The bonds shall be payable solely from the revenues derived and to be derived from the operation of the district's sanitary sewerage system or any part thereof including income from extensions and improvements to the system thereafter made or acquired. The bonds shall not constitute an indebtedness of the district and no taxes shall be levied to pay the bonds or the interest thereon.

2. Revenue bonds issued under the provisions of sections [249.760 to 249.810](#) shall be signed by the chairman of the board of supervisors of the district, and the seal of the district shall be affixed, attested by the secretary of the board. The bonds shall be payable at such bank or trust company as the board may select. The bonds shall be registered in the office of the secretary of the sewer district and when so registered and issued shall import absolute verity and shall be conclusive in favor of all persons purchasing the bonds that all proceedings and conditions precedent have been had and performed to authorize the issuance thereof, and the bonds shall be negotiable.

3. It is the mandatory duty of any sewer district issuing revenue bonds under sections [249.760 to 249.810](#) to fix and maintain rates and make and collect charges for the use and services of the district's sewerage system for the benefit of which the revenue bonds were issued, sufficient to pay the cost of maintenance and operation thereof, to pay the principal of and the interest on all revenue bonds or any other obligations issued by the district and chargeable to the revenues of the system as and when the same become due, provide an adequate depreciation and replacement fund, and to create reasonable reserves therefor, and to provide funds ample to meet all valid and reasonable requirements of the resolution authorizing the revenue bonds. The fees, rates or charges shall be sufficient to allow for miscellaneous and emergency or unforeseen expenses and the rates shall from time to time be revised so as fully to meet the requirements of sections [249.760 to 249.810](#).

4. The resolution authorizing the issuance of revenue bonds hereunder may establish limitations upon the issuance of additional revenue bonds payable from the revenues of the district's sewerage system and may provide that additional revenue bonds shall stand on a parity as to the revenues of the sewer district and in all other respects with revenue bonds previously issued on such conditions as may be specified in the resolution. The resolution may include other agreements, covenants or restrictions deemed advisable by the board to effect the efficient operation of the system and to safeguard the interest of the holders of the revenue bonds and to secure the payment of the bonds and the interest thereon promptly when due.

5. Whenever a district authorizes and issues revenue bonds under sections [249.760 to 249.810](#), an amount of the net revenues of the sewerage system of the district sufficient for the purpose shall, by operation of sections [249.760 to 249.810](#), be pledged to the payment of the principal of and the interest on the bonds as the same shall become due.

(L. 1961 p. 451 § 16)

8/28/1961

249.800. Revenue bonds may be issued without election, when, notice, procedure — election required, when. — The board of any district contemplating the issuance of revenue bonds under the provisions of sections [249.760 to 249.810](#) may give notice of its intention to issue the bonds without submitting the proposition to the voters of the district, the notice to state the maximum amount of bonds proposed to be issued and the general purpose of the bonds. The notice shall further state the right of the voters in the district to file their written protest against the issuance of the bonds as hereinafter provided. The notice shall be published twice in a newspaper published in the county in which the district is located. If within fifteen days after the date of the first publication of the notice there shall not be filed with the secretary of the district a written protest against issuance of such revenue bonds, signed by a number equal to twenty-five percent of the voters voting at the last preceding election of supervisors within the sewer district, the board of the district shall have power to issue the revenue bonds of the district to the amount and for the purpose specified in the notice without an election. If within fifteen days after the date of the first publication of the notice there is filed with the secretary of the district a written protest against the issuance of the revenue bonds signed by the requisite number of voters within the sewer district, the board of the district shall thereupon submit the proposed revenue bond issue to the voters of the district and, if a majority of the voters voting on the question shall

vote in favor thereof, the proposed improvements may be made and the revenue bonds issued in payment of the cost thereof.

(L. 1961 p. 451 § 17, A.L. 1978 H.B. 971)

8/28/1978



249.803. Owner and occupant both liable for sewerage charges. — Sewerage services furnished by a sewer district created under the provisions of sections [249.760 to 249.810](#) shall be deemed to be furnished to both the occupant and owner of the premises receiving the services and the sewer district rendering the services shall have power to sue the occupant or owner, or both, of the real estate in a civil action to recover any sums due for the services, plus a reasonable attorney fee to be fixed by the court.

(L. 1961 p. 451 § 18)

8/28/1961

249.805. Refunding of revenue bonds. — For the purpose of refunding, extending or unifying the whole or any part of any outstanding revenue bonds of the district, any district may issue its refunding revenue bonds not exceeding in amount the principal of the outstanding revenue bonds to be refunded, together with the accrued interest to the date of the refunding bonds, and the board of the district shall provide for the payment of the interest on and principal of the refunding bonds in the same manner and from the same source as was provided for the payment of interest on and principal of the bonds to be refunded.

(L. 1961 p. 451 § 19)

8/28/1961

249.807. Extension of boundaries of district, procedure. — 1. The boundaries of any sewer district formed under the provisions of sections [249.760 to 249.810](#) may be extended from time to time by filing a petition with the clerk of the circuit court having jurisdiction, signed by the board of supervisors and five or more owners of real estate situated within the territory to be annexed. The same proceeding shall then be followed as provided in sections [249.760 to 249.810](#) for the original organization of the district except that the proposition must be voted on affirmatively by a majority of the qualified voters voting on the proposition in the original district and the area to be annexed combined.

2. The costs incurred in the extension of the boundaries of the district shall be taxed to the district if the annexation is completed and otherwise against the petitioners, except that no costs shall be taxed to the board of supervisors.

3. Any owner of real estate that abuts upon a district once formed may petition the board of supervisors for the incorporation of the real estate in the district. If approval is granted by the board, the clerk of the board shall endorse his certificate of the fact of approval by the board upon the petition. The petition shall then be filed with the clerk of the circuit court of the county in which the district is incorporated. It is then the duty of the court to amend the boundaries of the district by a decree incorporating the real estate in it. A certified copy of the decree 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 the proceedings shall be borne by the petitioning property owners.

4. Any owner of land that has not been platted and such plat finally approved by the county planning commission, county zoning commission, county planning and zoning commission, or county governing body, that abuts upon a district previously formed or currently being formed, for which a trunk sewer has been condemned under [chapter 523](#), shall not be compelled to join such district but may petition the board of supervisors of such district for incorporation of his land into such district under this section. All costs of proceedings conducted under this subsection shall be paid by the petitioning landowner.

(L. 1961 p. 451 § 20, A.L. 1983 H.B. 371)

8/28/1983



249.810. Dissolution of district, procedure. — 1. The incorporation of every district, heretofore or hereafter incorporated under and by virtue of the provisions of sections [249.760](#) to [249.810](#), shall be dissolved if, at any time before bonds are issued and negotiated to construct the works and improvements as provided by the plan of reclamation adopted by its board of supervisors, twenty-five percent or more of the registered voters of the district petition the circuit court wherein the district was incorporated for a dissolution thereof; provided, that upon the filing of any such petition, the circuit court shall, before dissolving the corporation, ascertain and determine the amount of money in the treasury of, or owing to, the district, and the amount of all warrants issued and unpaid by it and the amount of the debts and other obligations owing by it; and, if the amount of money in the treasury and owing to the district is in excess of the amount of the warrants, debts and other obligations, the

circuit court shall order such warrants, debts and other obligations to be forthwith paid and discharged, and the excess divided among all the owners of land in the district who paid the same thereto, in the proportions in which they paid the same; but, if the amount of money, in the treasury and owing to the corporation, is not sufficient to pay and discharge the warrants, debts and other obligations, then the circuit court shall order the board of supervisors to levy and collect a uniform tax upon the real property within the district, sufficient in amount to pay the deficiency, and to thereupon pay the same.

2. At any time during the corporate life of the district, when all outstanding bonds have been paid and when all other indebtedness of the district has been paid or when there is sufficient money on hand to pay any and all outstanding indebtedness, and when there is sufficient money on hand to pay the costs and expenses of the dissolution of the corporation as herein provided, the board of supervisors may, and on a petition of a number of voters equal to twenty-five percent of those voting at the last preceding election of supervisors shall, submit the question to the voters to determine whether or not the district shall be dissolved and its corporate life terminated.

3. If the majority of the voters voting on the question vote in favor of the dissolution of the incorporation of the district, the board of supervisors shall cause to be filed in the circuit court wherein the district was incorporated, a petition setting out the facts; that there are no outstanding bonds of the district; that there is no other outstanding indebtedness of the district, or that there is sufficient money on hand to pay any outstanding indebtedness, as the case may be, and that there is sufficient money on hand to pay the cost and expenses of the dissolution; that due notice has been given of the meeting; and, that a majority, qualified as herein provided, voted in favor of the dissolution. Whereupon the court or the clerk thereof in vacation shall cause notice to be given by publication in some newspaper printed and published in the county for four successive weeks, the last publication being not less than fifteen days before the first day of the term to which the petition is made returnable, directed to the creditors, landowners and all persons interested, of the filing of the petition, its object and purpose, and ordering them to show cause, if any there be, on the first day, why the corporation should not be dissolved.

4. If, upon a hearing of the petition, the court finds the facts aforesaid and finds that there are no outstanding debts and that there is sufficient money to pay the expenses of dissolution, it shall enter its order dissolving said corporation. If it finds

there is sufficient money on hand to pay all outstanding debts, it shall order the debts paid and thereafter, on proper showing of their payment, enter its order of dissolution.

(L. 1961 p. 451 § 21, A.L. 1978 H.B. 971, A.L. 1983 H.B. 371)

8/28/1983

249.820. Certain municipalities may adopt ordinances necessary for compliance with law — enforceability — industrial user, defined. — 1. All municipalities with a population of more than one hundred thousand inhabitants located entirely within a county of the first classification with a charter form of government which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants with publicly owned treatment works required to operate national pretreatment programs may adopt all necessary ordinances for compliance with federal and state pretreatment requirements and federal and state water pollution control laws and regulations, and shall exercise primary authority to adopt, modify, and repeal, and to administer and enforce ordinances with respect to:

(1) The establishment, construction, reconstruction, improvement, repair, operation, and maintenance of its sewer systems and treatment facilities;

(2) Industrial users discharging into its sanitary and storm sewer system or treatment facilities; and

(3) The establishment, operation, administration, and enforcement of a publicly owned treatment works pretreatment program consistent with state and federal pretreatment standards, including inspection, monitoring, sampling, permitting, and reporting programs and activities. The municipality may, in addition to any pretreatment standards imposed under this section, require of any user of its treatment facilities such other pretreatment, inspection, reporting programs for industrial wastes as it deems necessary to adequately treat such wastes.

2. The ordinances adopted by the municipalities pursuant to subsection 1 of this section shall be applicable and enforceable by administrative, civil, or other action within any territory served by its sewer systems or treatment facilities and against any industrial user, subdistrict, district, or municipality who shall directly or indirectly discharge wastewaters or permit discharge of wastewaters into the municipal sewer systems or treatment facilities.

3. The authority granted to the municipality by this section is in addition to and not in derogation of any other authority granted pursuant to the constitution and laws of Missouri, any federal water pollution control act, or the rules of any agency of federal or state government.

4. The term "**industrial user**", as used in sections 249.820 and 249.822, means any nondomestic source of discharge or indirect discharge into the district's wastewater system which is regulated under section 307(b), (c), or (d) of the Clean Water Act, or any source listed in division A, B, D, E, or I of the Standard Industrial Classification Manual, or any solid waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or hazardous waste handling or disposal facilities and facilities which store or treat aqueous wastes as generated by facilities not located on site and which dispose of these wastes by discharging them into the district's wastewater system.

(L. 1992 H.B. 1307 § 1)

Effective 4-7-92

4/7/1992

249.822. Agreements as to location and manner of discharge — refusal to receive waste — operation and maintenance of facilities, powers — procedural remedies — false statements, penalty. — 1. The municipality may enter into agreements with other municipalities, subdistricts, private districts or any industrial users which discharge wastewaters into sewers, streams or the treatment facilities of the municipality concerning the locations and the manner in which wastewaters may be discharged into the municipal sewer systems or streams within the municipality, and concerning the permissible content of acid wastes, alkaline wastes, poisonous wastes, oils, grit or other wastes which might be hazardous or detrimental to such systems. Any municipality, subdistrict, private district or industrial user discharging sewage into the stream or the systems may petition the circuit court for an order enforcing compliance with any provision of such an agreement or determination, and that circuit court shall have jurisdiction in all cases or questions arising out of the organization or operations of the municipality, or from the acts of the municipal officials.

2. The municipality may contract with other participating communities for the payment of its proportionate share of treatment costs.

3. The municipality may refuse to receive any waste into the sewer system which does not meet relevant state, federal, or local water pollution, solid waste, or pretreatment standards.

4. The municipality may provide for the operation and maintenance of its treatment facilities and the administration, regulation, and enforcement of its pretreatment and water pollution programs, including the adoption of ordinances, to

carry out its powers with respect to all industrial users, subdistricts, districts, and municipalities which discharge into the collection system of the municipality's sewer systems or treatment facilities. These powers include, but are not limited to:

- (1) The promulgation of any ordinance;
- (2) The issuance, modification or revocation of any order;
- (3) The issuance, modification or revocation of any permit;
- (4) The levying of all administrative fines upon any industrial user in violation of the municipality's ordinances, or any permit or order issued thereunder, in an amount not to exceed one thousand dollars per violation per day;
- (5) Commencing an action through counsel for appropriate legal or equitable relief in a circuit court against any industrial user in violation of the municipality's rules, regulations and ordinances or any permit or order issued thereunder; and
- (6) Petitioning the prosecutor for the county in which any criminal violation of the municipality's ordinances or any permit or order issued thereunder has occurred to institute criminal proceedings.

5. The municipality may adopt ordinances creating procedural remedies for all persons affected by any order or permit issued, modified or revoked or any fine or penalty levied by the municipality including, but not limited to, the grant of reasonable time periods for such persons to respond, to show cause, and to request reconsideration of fines or penalties levied.

6. Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to the municipality's rules, regulations, ordinances or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the municipality's rules, regulations or ordinances shall upon conviction, be punishable by a fine of not more than one thousand dollars per violation per day or imprisonment for not more than one year or both. In the event of a second or subsequent conviction, the person shall be punishable by a fine not to exceed three thousand dollars per violation per day or imprisonment for not more than three years or both. Any penalty imposed by this subsection shall be in addition to all appropriate civil remedies, including administrative fines.

7. Whenever any reference is made in this section to any action that may be taken by the municipality, such reference includes such action by its named executive officer

or designee pursuant to powers and duties delegated to such executive officer by the municipality.

(L. 1992 H.B. 1307 § 2)

Effective 4-7-92

4/7/1992



249.900. Sewer district may by amended decree construct, maintain and operate a public water supply, requirement, procedure. — 1. The board of directors of any sewer district incorporated pursuant to the provisions of this chapter 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 public water supply which serves ten or more separate properties and is located wholly within the district and is not operated by another political subdivision or is not located within the certificated area of a water corporation as defined in [chapter 386](#) or within a public water supply district as defined in [chapter 247](#) and the operation and maintenance of all such existing 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 sewer 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 sewer rates.

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

(L. 1993 H.B. 197 § 1)

8/28/1993

249.925. Definitions. — As used in sections [249.925](#) to [249.955](#), the following terms mean:

(1) "**Acquire**", the acquisition of property or interests in property by purchase, gift or other lawful means and may include the acquisition of existing property and improvements already owned by a city or county;

(2) "**Consultant**", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the city or county in planning and making improvements authorized by sections [249.925 to 249.955](#);

(3) "**Cost**", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by a city or county in the administration and supervision of the improvement;

(4) "**Improve**", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new sewage or storm water facility or enhance, extend or restore the value or utility of an existing sewage or storm water facility;

(5) "**Improvement**", any one or more public facilities or improvements which confer a benefit on a new or existing sewage or storm water facility and may include or consist of a reimprovement of a prior improvement. Improvements include, but are not limited to, the following activities:

(a) To acquire property or interests in property when necessary or desirable for sewage or storm water facility purposes as authorized by sections [249.925 to 249.955](#);

(b) To open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes, if such activity is necessary for or incidental to an improvement authorized by sections [249.925 to 249.955](#);

(c) To improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;

(d) To improve waterworks systems, if such activity is necessary for or incidental to an improvement authorized by sections [249.925 to 249.955](#);

(e) To improve vehicle and pedestrian bridges, overpasses and tunnels, if such activity is necessary for or incidental to an improvement authorized by sections [249.925 to 249.955](#);

(f) To improve property for off-street parking facilities including construction and equipment of buildings thereon, if such activity is necessary for or incidental to an improvement authorized by sections [249.925 to 249.955](#);

(6) "**Sewage or storm water facility improvement district**", an area of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or of any county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, with defined limits and boundaries which is created by vote under sections [249.925 to 249.955](#) and which is benefitted by a sewage or storm water facility improvement and subject to assessments against the real property therein for the cost of the improvement.

(L. 1995 H.B. 88 § 9)

8/28/1995

249.927. Sewage or storm water facility improvement district, certain city and counties may issue general obligation bonds, purpose — issue assessment against property to pay for improvements. — The governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of any county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, may make, or cause to be made, improvements which confer a benefit upon property within a sewage or storm water facility improvement district pursuant to sections [249.925 to 249.955](#). The governing body of such city or county of the first classification may incur indebtedness and issue

temporary notes and general obligation bonds of such city or county pursuant to sections 249.925 to 249.955 to pay for all or part of the cost of such improvements. An improvement may be combined with one or more other improvements for the purpose of issuing a single series of general obligation bonds to pay all or part of the cost of such improvements, but separate funds or accounts shall be established within the records of the city or county for each improvement as provided in section 249.953. The temporary notes and general obligation bonds issued by the city or county shall be a debt of the sewage or storm water facility improvement district and such city or county shall assess assessments against each property deemed by the governing body of the city or county to be benefitted by each such improvement pursuant to sections 249.929 to 249.933. The city or county shall use the moneys collected from such assessments to reimburse such city or county for all amounts paid or to be paid by it as principal of and interest on its temporary notes and general obligation bonds issued for such improvements.

(L. 1995 H.B. 88 § 10)

8/28/1995



- 249.929. Sewage or storm water facility improvement district, procedure to establish — election, ballot form — governing body to adopt resolution, content. —**
1. To establish a sewage or storm water facility improvement district, the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of any county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, shall comply with the procedures described in subsection 2 of this section.
 2. The governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of any county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred

fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, proposing to create a sewage or storm water facility improvement district may, by resolution, submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed sewage or storm water facility improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed sewage or storm water facility improvement district to be assessed, and the proposed method or methods of assessment, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original sewage or storm water facility improvement are paid in full. The governing body of the city or county may create a sewage or storm water facility improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such county under Article VI, Section 26 of the Constitution of this State. The notice of election containing the question of creating a sewage or storm water facility improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed sewage or storm water facility improvement district to be assessed, the proposed method or methods of assessment, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent. The question of whether to create any sewage water facility improvement district or storm water facility improvement district, the boundaries of which are not identical to any existing or proposed storm water facility improvement district or any existing or proposed sewage water facility improvement district, shall be submitted to the voters as a separate question; however, the question of whether to create a sewage water facility improvement district and a storm water facility improvement district, the boundaries of which are identical, may be submitted as a single question. The ballot upon which the question of creating a sewage or storm water facility improvement district is submitted to the qualified

voters residing within the proposed district shall contain a question in substantially the following form:

Shall _____ (name of city or county) be authorized to create a sewage or storm water facility improvement district proposed for the _____ (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of sewage or storm water facility improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the _____ (city or county) on the property benefitted by such improvements for a period of _____ years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the sewage or storm water facility improvement?

YES

NO

3. Upon receiving the requisite voter approval at an election, the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of a county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, may, by resolution, determine the advisability of the improvement and may order that the sewage or storm water facility improvement district be established and that preliminary plans and specifications for the improvement be made. Such resolution shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the sewage or storm water facility improvement district to be assessed, the proposed method or methods of assessment, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the property within the sewage or storm water facility improvement district and the amount of general obligation bonds issued therefor shall not, without a new election, exceed the estimated cost of such improvement by more than twenty-five percent.

(L. 1995 H.B. 88 § 11 subsecs. 1 to 3)

8/28/1995

249.931. Boundaries of district, how set. — The boundaries of the proposed sewage or storm water facility improvement district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the sewage or storm water facility improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

(L. 1995 H.B. 88 § 11 subsec. 4)

8/28/1995

249.933. Maintenance costs, assessment may be levied and collected after period for assessment of property has expired. — A sewage or storm water facility improvement district assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the sewage or storm water facility improvement district vote to assess property within the district for the maintenance costs in the manner prescribed in subsection 2 of section [249.929](#).

(L. 1995 H.B. 88 § 11 subsec. 5)

8/28/1995



249.935. Assessment for cost of improvement, how calculated — governing bodies may establish by resolution methods for assessing benefits. — The portion of the cost of any improvement to be assessed against the property in a sewage or storm water facility improvement district shall be apportioned against such property in accordance with the benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of the county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than

one hundred five thousand but less than one hundred twenty thousand inhabitants, which results in imposing substantially equal burdens or share of the cost upon property similarly benefitted. The governing body of such city or county may from time to time determine and establish, by resolution, reasonable general classifications and formulae for the methods of assessing the benefits.

(L. 1995 H.B. 88 § 12)

8/28/1995

249.937. Plans and specifications, acceptance by governing body, resolution ordering assessment against property benefitted by improvement. — After the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of the county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, has made the findings specified in sections [249.929](#) to [249.933](#) and plans and specifications for the proposed sewage or storm water facility improvements have been prepared, the governing body shall, by resolution, order assessments to be made against each property deemed to be benefitted by an improvement based on the revised estimated cost of the improvement or, if available, the final cost thereof, and shall order a proposed assessment roll to be prepared.

(L. 1995 H.B. 88 § 13 subsec. 1)

8/28/1995

249.939. Plans, specification and assessment role filed with city or county clerk — notice — publication, content — hearing to be held — notice mailed to assessed property owners. — The plans and specifications for the improvement and the proposed assessment roll shall be filed with the city or county clerk and shall be open for public inspection. Such clerk shall thereupon, at the direction of the governing body of the city or county, publish notice that the governing body will conduct a hearing to consider the proposed improvement and proposed assessments. Such notice shall be published in a newspaper of general circulation at least once, not more than twenty days and not less than ten days before the hearing, and shall state the

project name for the improvement, the date, time and place of such hearing, the general nature of the improvement, the revised estimated cost or, if available, the final cost of the improvement, the boundaries of the sewage or storm water facility improvement district to be assessed, and that written or oral objections will be considered at the hearing. At the same time, the city or county clerk shall mail to the owners of record of the property made liable to pay the assessments, at their last known post-office address, a notice of the hearing and a statement of the cost proposed to be assessed against the property so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings.

(L. 1995 H.B. 88 § 13 subsec. 2)

8/28/1995



249.941. Hearing held to consider proposals, plan may be amended — governing body may order, by resolution, improvement project. — At the hearing to consider the proposed improvements and assessments, the governing body of any city with a population of three hundred fifty thousand inhabitants or more which is located in more than one county, or the governing body of the county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by resolution the governing body of such city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections [249.925 to 249.955](#). All assessments established in sections [249.925 to 249.955](#) may be appealed by the property owner to the county board of equalization and as further provided in [chapter 138](#).

(L. 1995 H.B. 88 § 14 subsec. 1)

8/28/1995

249.943. Construction of improvement completed, final cost computed — governing body to assess final cost or amount of general obligation bonds. — After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body of the city or county shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as assessments against the property described in the assessment roll.

(L. 1995 H.B. 88 § 14 subsec. 2)

8/28/1995

249.945. City or county clerk's duty to mail notice to property owners of assessment — payment may be made in installments — first payment due, when — interest rate, limitation — how collected. — 1. After the passage or adoption of the resolution assessing the assessments, the city or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon, from the effective date of such resolution, on or before a specified date determined by the effective date of the resolution, or may pay such assessment in annual installments as provided in subsection 2 of this section.

2. The assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section [249.929](#), and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body of the city or county determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment resolution, unless such resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section [108.170](#). Interest on the assessment between the effective date of the resolution assessing the assessment and the date the first installment is payable

shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

3. Assessments shall be collected and paid over to the city or county treasurer in the same manner as taxes of the city or county are collected and paid.

(L. 1995 H.B. 88 § 14 subsecs. 3 to 5)

8/28/1995



249.947. Cause of action to set aside assessment, time limitation. — No cause of action to set aside the assessments made under sections [249.925 to 249.955](#) or to otherwise question the validity of the proceedings relating thereto shall be brought after the expiration of ninety days from the date of mailing of notice to property owners of the assessments required by sections [249.941 to 249.945](#).

(L. 1995 H.B. 88 § 15)

8/28/1995

249.949. Assessment to be a lien on property. — An assessment authorized under the provisions of sections [249.925 to 249.955](#) shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property.

(L. 1995 H.B. 88 § 16)

8/28/1995

249.951. Temporary notes may be issued by governing body to pay cost of improvements — general obligation bond shall be issued to pay off notes. — After an improvement has been authorized pursuant to sections [249.929 to 249.933](#), the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of the county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, may issue temporary notes of such city or county to pay the costs of such improvement in an amount not to exceed the estimated cost of such

improvement. General obligation bonds of such city or county shall be issued and sold as provided in section [249.927](#) to refund, retire and pay off such temporary notes and any accrued interest thereon to the date of payment.

(L. 1995 H.B. 88 § 17)

8/28/1995



249.953. Separate account created for each project — balance in fund after project paid for, effect — refund to property owner, when — assessment reduced, when. — A separate fund or account shall be created in the city or county treasury for each improvement project and each such fund or account shall be identified by a suitable title. The proceeds from the sale of bonds and temporary notes and any other moneys appropriated thereto by the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the governing body of the county of the first classification without a charter form of government that has a population of at least one hundred sixty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government containing a portion of a city with a population of at least three hundred fifty thousand inhabitants, or the governing body of any county of the first classification without a charter form of government as of August 28, 1995, that has a population of more than one hundred five thousand but less than one hundred twenty thousand inhabitants, shall be credited to such funds or accounts. Such funds or accounts shall be used solely to pay the costs incurred in making each respective improvement. Upon completion of an improvement, the balance remaining in the fund or account established for such improvement, if any, shall be credited against the amount of the original assessment of each parcel of property, on a pro rata basis based on the amount of the original assessment, and with respect to property owners that have prepaid their assessments in accordance with sections [249.941](#) to [249.945](#), the amount of each such credit shall be refunded to the appropriate property owner, and with respect to all other property owners, the amount of each such credit shall be transferred and credited to such city or county bond and interest fund to be used solely to pay the principal of and interest on the bonds or temporary notes and the assessments shall be reduced accordingly by the amount of such credit.

(L. 1995 H.B. 88 § 18)

8/28/1995

249.955. Amount of bonds and temporary notes, limitation not to exceed ten percent of assessed valuation of taxable tangible property. — The total amount of city or county general obligation bond indebtedness incurred for improvements under sections [249.925 to 249.955](#), including temporary notes issued pursuant to sections [249.925 to 249.955](#), shall not exceed ten percent of the assessed valuation of all taxable tangible property, as shown by the last completed property assessment for state or local purposes, within the district.

(L. 1995 H.B. 88 § 19)

8/28/1995

249.957. Tax and special tax bills in certain sections applicable to sewer and storm water facility improvement districts. — The tax and special tax bills provided for in sections [249.430](#), [249.520](#), [249.530](#) and [249.580 to](#) * [249.650](#) shall be applicable to the assessments detailed in sections [249.925 to 249.955](#).

(L. 1995 H.B. 88 § 20)

*Word "through" appears in original rolls.

8/28/1995



249.1000. Publicly owned sewer treatment works, responsible for whole sewer system, when — exceptions. — A publicly owned treatment works that has ownership of interceptor and local sewers shall be responsible for the entire public sewer system, except that the operation and maintenance of any part of an individual user's pressure sewer system, including grinder or low pressure pumps and service lateral to the public or private pressure sewer system used for the purpose of collecting or conducting wastewater originating at a residence or individual commercial entity, shall be the responsibility of the owner of such residence or individual commercial entity unless the publicly owned treatment works has assumed such responsibility.

(L. 1997 H.B. 709 § 1)

Effective 7-1-97

7/1/1997

249.1100. Consolidation of sewer districts permitted, when, procedure. —
 1. Except as otherwise provided in Section 30(a) of Article VI of the Missouri Constitution, regardless of being a sewer district pursuant to [chapter 204](#) or this chapter, when the governing bodies of two or more contiguous sewer districts located in any county of the first classification without a charter form of government having

not less than one hundred seventy thousand and not more than two hundred thousand inhabitants determine that a consolidated sewer system would better serve the area within their boundaries, the governing bodies shall submit the proposal for a consolidated sewer district to the governing body of such county. The governing body of the county after consultation with the sewer engineer pursuant to section 204.300 and section 249.460 shall by resolution submit the question of creating a consolidated sewer district to all qualified voters residing within each existing district at a municipal or general or special election called for that purpose.

2. The resolution shall set forth the project name for the proposed consolidated sewer district, the general nature of the proposed consolidated sewer district, the estimated cost of the sewer improvements for such consolidated sewer district, the boundaries of the existing districts to be consolidated, the proposed method or methods of assessment, and a statement that the final cost of such sewer improvements assessed against property within the consolidated sewer district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such sewer improvements, as stated in such notice, by more than twenty-five percent.

(L. 2001 H.B. 501)

8/28/2001

249.1103. Public hearing to be held prior to election for consolidation of sewer districts. — The governing body of the county receiving the proposal pursuant to section 249.1100 shall set a day for a public hearing prior to election for the creation of a consolidated sewer district and shall publish the resolution with a notice of the time and place of public hearing in some local newspaper of general circulation, published in such county in which any district proposed to be consolidated lies at least thirty days before the date of the hearing. At such hearing anyone interested in the proposed consolidation of sewer districts may appear and present their views to the governing body of the county.

(L. 2001 H.B. 501)

8/28/2001



249.1106. Ballot language for consolidation of sewer districts — submission of question to voters in both districts simultaneously. — 1. The ballot upon which the question of creating a consolidated sewer district is submitted to the qualified voters residing within each existing sewer district or districts shall contain a question in substantially the following form:

Shall the _____ (governing body's name) of _____ (county's name) be authorized to dissolve the existing _____ (name of existing sewer district) and create a consolidated sewer district proposed for the _____ (name of existing sewer districts to be consolidated) and authorize the consolidated sewer districts to incur indebtedness and issue general obligation bonds to pay for all or part of the cost of the creation and maintenance of such consolidated sewer district, with the cost of all indebtedness so incurred to be assessed by the _____ (name of consolidated sewer district) on the property within the consolidated sewer district?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the total votes cast on the proposal by the qualified voters of each existing district or districts voting thereon are in favor of the proposal, then the order shall become effective. If the proposal receives less than the required majority in at least one existing district, then the governing body of the county shall have no power to impose the consolidation of sewer districts as authorized pursuant to this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to consolidate authorized by this section and such proposal is approved by the required majority of the total votes cast on the proposal by the qualified voters of each existing district or districts voting on such proposal.

2. The boundaries of the proposed consolidated sewer district shall be described by metes and bounds, streets or other sufficiently specific description.

3. There shall be separate submissions of the question of creating a consolidated sewer district to each group of voters within each existing sewer district or districts, and the elections shall be held simultaneously.

(L. 2001 H.B. 501)

8/28/2001

249.1109. Combining of original districts after consolidation approved. — 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.

(L. 2001 H.B. 501)

8/28/2001

249.1112. Board of directors, members, terms, vacancies, expenses. — 1. A sewer district created pursuant to sections [249.1100](#) to [249.1127](#) shall have a board of directors which shall consist of five members, appointed by the governing body of the county in which the consolidated sewer district is located. Each member shall be a United States citizen, a registered voter, over the age of twenty-five years and shall have been a resident within the consolidated sewer district for one whole year prior to appointment.

2. The board shall be responsible for the control and operation of all such sewer districts organized pursuant to section [249.1106](#).

3. Beginning with appointments made after August 28, 2001, one member shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Following the initial appointments, the term of each board member shall be five years.

4. A vacancy in the office of a member shall be filled by appointment in the same manner as the original appointments.

5. No member of the board shall be entitled to any compensation for the performance of the member's official duties, but each member shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties by the consolidated sewer district. The board members shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties.

(L. 2001 H.B. 501)

8/28/2001

249.1115. Powers, privileges and duties of original districts retained after consolidation. — The consolidated sewer district shall retain all the powers, privileges and duties therein conferred and provided upon each original individual sewer district

pursuant to [chapter 204](#), or this chapter, whichever it was created and organized under.

(L. 2001 H.B. 501)

8/28/2001

249.1118. Dissolution procedure. — Dissolution of a sewer district created pursuant to section [249.1106](#) shall follow the procedures established in sections [67.950](#) to [67.955](#).

(L. 2001 H.B. 501)

8/28/2001

249.1150. District authorized, opt out procedure, powers — resolution may be adopted by county commission for service by district — board of trustees, members, terms — maintenance plan required, when — property tax levy, ballot form — termination of tax, procedure (Barry, Christian, Douglas, Greene, Ozark, Stone, Taney, Webster, and Wright counties). — 1. There is hereby created within any county of the third classification without a township form of government and with more than thirty-four thousand but less than thirty-four thousand one hundred inhabitants, any county of the second classification without a township form of government and with more than fifty-four thousand two hundred but less than fifty-four thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but less than thirteen thousand one hundred seventy-five inhabitants, any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, any county of the third classification without a township form of government and with more than nine thousand four hundred fifty but less than nine thousand five hundred fifty inhabitants, any county of the third classification without a township form of government and with more than twenty-eight thousand six hundred but less than twenty-eight thousand seven hundred inhabitants, any county of the first classification with more than thirty-nine thousand seven hundred but less than thirty-nine thousand eight hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-one thousand but less than thirty-one thousand one hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants, the "Upper White River Basin Watershed Improvement District". The watershed improvement district is authorized to own,

install, operate, and maintain decentralized or individual on-site wastewater treatment plants. The watershed improvement district created under this section shall be a body corporate and a political subdivision of the state of Missouri, shall be capable of suing and being sued in contract in its corporate name, and shall be capable of holding such real and personal property necessary for corporate purposes. The district shall implement procedures to regulate the area within the district and to educate property owners within the district about the requirements imposed by the district.

2. Any county included in the Upper White River Basin watershed improvement district, as established in subsection 1 of this section, may choose to opt out of the district in one of two ways:

(1) Upon the filing of a petition signed by at least twenty percent of the property owners residing within the county, a proposal is submitted to the qualified voters within the district boundaries. The ballot of submission shall be in substantially the following form:

Shall the county of _____ opt out of the Upper White River Basin Watershed Improvement District?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a simple majority of the votes cast in the county favors the proposal to opt out of district, then the county shall no longer be included in the Upper White River Basin watershed improvement district, and shall cease all imposition, collection, and assessment of any taxes associated with that district, beginning on the first day of the first month following the election. If a simple majority of the votes cast in the county opposes the proposal to opt out of the district, then the county shall remain a part of the Upper White River Basin watershed improvement district. However, if a proposal to opt out of the district is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section; or

(2) Upon the issuance of an order by the county commission, a proposal is submitted to the qualified voters within the district boundaries to opt out of the Upper White River Basin watershed improvement district. The ballot of submission shall be in substantially the following form:

Shall the county of _____ opt out of the Upper White River

Basin Watershed Improvement District?

 YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a simple majority of the votes cast in the county favors the proposal to opt out of the Upper White River Basin watershed improvement district, then the county shall no longer be included in the Upper White River Basin watershed improvement district, and shall cease all imposition, collection, and assessment of any taxes associated with that district, beginning on the first day of the first month following the election. If a simple majority of the votes cast in the county opposes the proposal to opt out of the Upper White River Basin watershed improvement district, then the county shall remain a part of the Upper White River Basin watershed improvement district. However, if a proposal to opt out of the Upper White River Basin watershed improvement district is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section.

3. Any county who has successfully chosen to opt out of the Upper White River Basin watershed improvement district under the provisions of subsection 2 of this section shall be allowed to rejoin the district at any time, provided the county submits the proposal to rejoin the district in one of two ways:

(1) Upon the filing of a petition signed by at least twenty percent of the property owners residing within the county, a proposal is submitted to the qualified voters within the county. The ballot of submission shall be in substantially the following form:

Shall the county of _____ rejoin the Upper White River Basin Watershed Improvement District?

 YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a simple majority of the votes cast in the county favors the proposal to rejoin the Upper White River Basin watershed improvement district, then the county shall rejoin the district. If a simple majority of the votes cast in the county opposes the proposal to rejoin the district, then the county shall remain outside the Upper White River Basin watershed improvement district. However, if a proposal to rejoin the Upper White

River Basin watershed improvement district is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section; or

(2) Upon the issuance of an order by the county commission, a proposal is submitted to the qualified voters within the district boundaries to rejoin the Upper White River Basin watershed improvement district. The ballot of submission shall be in substantially the following form:

Shall the county of _____ rejoin the Upper White River Basin
Watershed Improvement District?

YES

NO

If you are in favor of the question, place an "X" in the box
opposite "YES". If you are opposed to the question, place an "X"
in the box opposite "NO".

If a simple majority of the votes cast in the county favors the proposal to rejoin the Upper White River Basin watershed improvement district, then the county shall rejoin the Upper White River Basin watershed improvement district. If a simple majority of the votes cast in the county opposes the proposal to rejoin the Upper White River Basin watershed improvement district, then the county shall remain outside the Upper White River Basin watershed improvement district. However, if a proposal to rejoin the Upper White River Basin watershed improvement district is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section.

4. The watershed improvement district created under this section shall have the power to borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property within the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property within the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and

shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

5. The county commission of any county located within the watershed improvement district may authorize individual properties to be served by the district by adoption of a resolution or upon the filing of a petition signed by at least twenty percent of the property owners of the proposed area. The resolution or petition shall describe generally the size and location of the proposed area.

6. In the event that any property within the watershed improvement district proposed under this section lies within or is serviced by any existing sewer district formed under this chapter, [chapter 204](#), or [chapter 250](#), the property shall not become part of the watershed improvement district formed under this section unless the existing sewer district agrees to refrain from providing service or to discontinue service to the property. No property shall become part of the watershed district until the owner of that property has paid in full all outstanding costs owed to an existing sewer district formed under this chapter, [chapter 204](#), or [chapter 250](#).

7. Upon the creation of the watershed improvement district as authorized by this section, a board of trustees for the district consisting of nine members shall be appointed. The governing body of each county shall appoint one member to serve on the board. No trustee shall reside in the same county as another trustee. Of the initial trustees appointed, five shall serve terms of one year, and four shall serve terms of two years, as determined by lot. After the initial appointments of the trustees, the successor trustees shall reside in the same county as the prior trustee and be elected by the resident property owners of their county within the district. Each trustee may be elected to no more than five consecutive two-year terms. Vacancies shall be filled by the board. Each trustee shall serve until a successor is elected and sworn. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. The board shall enter into contracts with any person or entity for the maintenance, administrative, or support work required to administer the

district. The board may charge reasonable fees and submit proposals to levy and impose property taxes to fund the operation of the district to the qualified voters in the district, but such proposals shall not become effective unless a majority of the qualified voters in the district voting on the proposals approve the proposed levy and rate of tax. The board may adopt resolutions necessary to the operation of the district.

8. No service shall be initiated to any property lying within the watershed improvement district created under this section unless the property owner elects to have the service provided by the district.

9. Any on-site wastewater treatment system installed on any property that participates in the watershed improvement district formed under this section shall meet all applicable standards for such on-site wastewater treatment systems under sections [701.025 to 701.059](#) and as required by rules or regulations promulgated by the board of trustees and the appropriate state agencies.

10. Property owners participating in the watershed improvement district formed under this section shall be required as a condition of continued participation to have a maintenance plan approved by the watershed improvement district for the on-site wastewater treatment systems on their properties. Such property owners shall also execute a utilities easement to allow the district access to the system for maintenance purposes and inspections. The property owner shall provide satisfactory proof that periodic maintenance is performed on the sewage system. At a minimum the system shall be installed and maintained according to the manufacturer's recommendations. The level of satisfactory proof required and the frequency of periodic proof shall be determined by the board of trustees.

11. A district established under this section may, at a general or primary election, submit to the qualified voters within the district boundaries a real property tax that shall not exceed five cents per one hundred dollars assessed valuation to fund the operation of the district. The ballot of submission shall be in substantially the following form:

Shall the _____ (name of district) impose a real property tax within the district at a rate of not more than _____ (insert amount) dollars per hundred dollars of assessed valuation to fund the operation of the district?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in each county that is part of the district favor the proposal, then the real property tax shall become effective in the district on the first day of the year following the year of the election. If a majority of the votes cast in each county that is a part of the district oppose the proposal, then that county shall not impose the real property tax authorized in this section until after the county governing body has submitted another such real property tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a real property tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section.

12. The real property tax authorized by this section is in addition to all other real property taxes allowed by law.

13. Once the real property tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the tax. The tax shall not be abolished or terminated while the district has any financing or other obligations outstanding. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities.

14. The governing body of any county included in the Upper White River Basin watershed improvement district established in this section may designate groundwater depletion areas within specific areas of the county and may require well volume monitoring. However, any county included in this district may choose not to require well volume monitoring.

(L. 2004 H.B. 1433, A.L. 2005 H.B. 58 merged with H.B. 617)

8/28/2005

249.1155. Septic systems to be maintained or pumped every five years — proof submitted — fee. — After August 28, 2004, any county within a watershed improvement district may require that all septic systems be maintained or pumped every five years by a licensed provider. In the event a county requires that all septic systems be so maintained or pumped the owner of any septic system shall submit proof of maintenance or pumping to the county department of health or the state department of health and senior services if appropriate which shall determine what shall constitute proof of compliance with the requirement. In addition, the county

department of health or the state department of health and senior services if appropriate may charge septic tank owners a reasonable fee for monitoring compliance with the requirement.

(L. 2004 H.B. 1433)

8/28/2004

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.



- ▶ **Other Links**
- ▶ **Other Information**



Missouri Senate



MO.gov



Missouri House

© Missouri Legislature, all rights reserved.

Site errors / suggestions - webmaster@LR.mo.gov



Our flag's story



Over 42M page views.