

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 646**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Economic Development, Tourism and Local Government, February 2, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

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TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts, with an emergency clause.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 204, RSMo, is amended by adding thereto thirty-four  
2 new sections, to be known as sections 204.600, 204.602, 204.604, 204.606,  
3 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624,  
4 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650,  
5 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668,  
6 204.670, 204.672, and 204.674, to read as follows:

**204.600. Any common sewer district organized and existing under  
2 sections 204.250 to 204.270, and any sewer district organized and  
3 existing under chapter 249, RSMo, may be converted to a reorganized  
4 common sewer district under the provisions of sections 204.600 to  
5 204.640. In addition, a reorganized common sewer district may be  
6 established as provided in sections 204.600 to 204.640. Once  
7 established, a reorganized common sewer district shall have all powers  
8 and authority of and applicable to a common sewer district organized  
9 and existing under sections 204.250 to 204.270 and applicable to a sewer  
10 district established under chapter 249, RSMo, which are not  
11 inconsistent or in conflict with sections 204.600 to 204.640.**

**204.602. 1. Proceedings for the new formation of a reorganized  
2 common sewer district under sections 204.600 to 204.640 shall be  
3 substantially as follows: a petition in duplicate describing the  
4 proposed boundaries of the reorganized district sought to be formed,  
5 accompanied by a plat of the proposed district, shall first be filed with**

6 the appropriate county commission wherein the proposed district is  
7 situated. Such petition shall be ruled on by that county commission  
8 within thirty days from the date of hearing the petition. If the petition  
9 for the reorganized district is rejected by the county commission, no  
10 further action on the proposed district shall take place before the  
11 county commission or the circuit court. A petition in duplicate  
12 describing the proposed boundaries of the reorganized district sought  
13 to be formed, accompanied by a plat of the proposed district, shall be  
14 filed with the clerk of the circuit court of the county wherein the  
15 proposed district is situated or with the clerk of the circuit court of the  
16 county having the largest acreage proposed to be included in the  
17 proposed district, in the event that the proposed district embraces  
18 lands in more than one county. Such petition, in addition to such  
19 boundary description, shall set forth an estimate of the number of  
20 customers of the proposed district, the necessity for the formation of  
21 the district, the probable cost of acquiring or constructing sanitary  
22 sewer improvements with the district, if appropriate, an approximation  
23 of the assessed valuation of taxable property within the district,  
24 whether the board of trustees shall be elected or appointed by the  
25 county commission, and such other information as may be useful to the  
26 court in determining whether or not the petition should be granted and  
27 a decree of incorporation entered. Such petition shall be accompanied  
28 by a cash deposit of fifty dollars as an advancement of the costs of the  
29 proceeding. The petition shall be signed by not less than fifty voters or  
30 property owners within the proposed district and shall request the  
31 incorporation of the territory therein described into a reorganized  
32 common sewer district. The petition shall be verified by at least one of  
33 the signers.

34 2. Upon filing, the petition shall be presented to the circuit  
35 court, and such court shall fix a date for a hearing on such petition, as  
36 provided in this section. The clerk of the court shall give notice of the  
37 petition filing in some newspaper of general circulation in the county  
38 in which the proceedings are pending. If the district extends into any  
39 other county, such notice also shall be published in some newspaper of  
40 general circulation in such other county. The notice shall contain a  
41 description of the proposed boundary lines of the district and the  
42 general purposes of the petition. The notice shall set forth the date

43 fixed for the hearing on the petition, which shall not be less than  
44 fifteen nor more than twenty-one days after the date of the last  
45 publication of the notice, and shall be on some regular judicial day of  
46 the court that the petition is pending. Such notice shall be signed by  
47 the clerk of the circuit court and shall be published in three successive  
48 issues of a weekly newspaper or in a daily paper once a week for three  
49 consecutive weeks.

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

52 4. Exceptions to the formation of a district, or to the boundaries  
53 outlined in the petition for incorporation, may be made by any voter or  
54 property owner within the proposed districts, provided that such  
55 exceptions are filed not less than five days prior to the date set for the  
56 hearing on the petition. Such exceptions shall specify the grounds  
57 upon which the exceptions are being made. If any such exceptions are  
58 filed, the court shall take them into consideration in passing upon the  
59 petition and also shall consider the evidence in support of the petition  
60 and in support of the exceptions made. Should the court find that the  
61 petition should be granted but that changes should be made in the  
62 boundary lines, it shall make such changes in the boundary lines as set  
63 forth in the petition as the court may deem proper and enter its decree  
64 of incorporation, with such boundaries as changed. No public sewer  
65 district shall be formed under this chapter, chapter 249, RSMo, section  
66 247.035, RSMo, or any sewer district created and organized under  
67 constitutional authority, the boundaries of which shall encroach upon  
68 the corporate boundaries of any sewer district then existing. Nor shall  
69 any public sewer district extend wastewater collection and treatment  
70 services within the boundaries of another without written cooperative  
71 agreement between such districts.

72 5. Should the court find that it would not be in the public  
73 interest to form such a district, the petition shall be dismissed at the  
74 cost of the petitioners. If the court should find in favor of the  
75 formation of such district, the court shall enter its decree of  
76 incorporation, setting forth the boundaries of the proposed district as  
77 determined by the court under the hearing. The decree shall further  
78 contain an appointment of five voters from the district to constitute the  
79 first board of trustees of the district. The court shall designate such

80 trustees to staggered terms from one to five years such that one  
81 director is appointed or elected each year. The trustees appointed by  
82 the court shall serve for the terms designated and until their successors  
83 have been appointed or elected as provided in section 204.610. The  
84 decree shall further designate the name of the district by which it shall  
85 officially be known.

86         6. The decree of incorporation shall not become final and  
87 conclusive until it is submitted to the voters residing within the  
88 boundaries described in such decree and until it is assented to by a  
89 majority of the voters as provided in subsection 9 of this section or by  
90 two-thirds of the voters of the district voting on the proposition. The  
91 decree shall provide for the submission of the question and shall fix the  
92 date of submission. The returns shall be certified by the election  
93 authority to the circuit court having jurisdiction in the case, and the  
94 court shall enter its order canvassing the returns and declaring the  
95 result of such election.

96         7. If a majority of the voters of the district voting on such  
97 proposition approve of the proposition, then the court shall, in such  
98 order declaring the result of the election, enter a further order  
99 declaring the decree of incorporation to be final and conclusive. In the  
100 event, however, that the court should find that the question had not  
101 been assented to by the majority required in this section, the court  
102 shall enter a further order declaring such decree of incorporation to be  
103 void. No appeal shall be permitted from any such decree of  
104 incorporation nor from any of the aforesaid orders. In the event that  
105 the court declares the decree of incorporation to be final, the clerk of  
106 the circuit court shall file certified copies of such decree of  
107 incorporation and of such final order with the secretary of state of the  
108 state of Missouri, with the recorder of deeds of the county or counties  
109 in which the district is situated, and with the clerk of the county  
110 commission of the county or counties in which the district is situated.

111         8. The costs incurred in the formation of the district shall be  
112 taxed to the district, if the district is incorporated; otherwise the costs  
113 shall be paid by the petitioners.

114         9. If petitioners seeking formation of a reorganized common  
115 sewer district specify in their petition that the district to be organized  
116 shall be organized without authority to issue general obligation bonds,

117 then the decree relating to the formation of the district shall recite that  
118 the district shall not have authority to issue general obligation  
119 bonds. The vote required for such a decree of incorporation to become  
120 final and conclusive shall be a simple majority of the voters of the  
121 district.

122 10. Once a reorganized sewer district is established, the  
123 boundaries of the reorganized sewer district may be extended or  
124 enlarged from time to time upon the filing, with the clerk of the circuit  
125 court having jurisdiction, of a petition by either:

126 (1) The board of trustees of the reorganized sewer district and  
127 five or more voters or landowners within the territory proposed to be  
128 added to the district; or

129 (2) The board of trustees and a majority of the landowners  
130 within the territory that is proposed to be added to the reorganized  
131 sewer district.

132 If the petition is filed by a majority of the voters or landowners within  
133 the territory proposed to be added to the reorganized sewer district,  
134 the publication of notice shall not be required, provided notice is  
135 posted in three public places within such territory at least seven days  
136 before the date of the hearing, and provided that there is sworn  
137 testimony by at least five landowners in such territory, or a majority  
138 of the landowners if the total landowners in the area are fewer than  
139 ten. Otherwise the procedures for notice substantially shall follow the  
140 procedures in subsection 2 of this section for formation. Territory  
141 proposed to be added to the reorganized sewer district may be either  
142 contiguous or reasonably close to the boundaries of the existing  
143 district. Upon the entry of a final judgment declaring the court's  
144 decree of territory proposed to be added to the reorganized sewer  
145 district to be final and conclusive, the court shall modify or rearrange  
146 the boundary lines of the reorganized sewer district as may be  
147 necessary or advisable. The costs incurred in the enlargement or  
148 extension of the district shall be taxed to the district, if the district is  
149 enlarged or extended. Otherwise, such costs shall be paid by the  
150 petitioners. However, no costs shall be taxed to the trustees of the  
151 district.

152 11. Should any landowner who owns real estate that is not within  
153 another sewer district organized under this chapter or chapters 249 or

154 247, RSMo, or under the Missouri Constitution, but that is contiguous  
155 or reasonably close to the existing boundaries of the reorganized sewer  
156 district, desire to have such real estate incorporated in the district, the  
157 landowner shall first petition the board of trustees for its approval. If  
158 such approval is granted, the secretary of the board shall endorse a  
159 certificate of the board's approval of the petition. The petition so  
160 endorsed shall be filed with the clerk of the circuit court in which the  
161 reorganized sewer district is incorporated. It then shall be the duty of  
162 the court to amend the boundaries of such district by a decree  
163 incorporating the real estate. A certified copy of this amended decree  
164 including the real estate in the district then shall be filed in the office  
165 of the recorder, in the office of the county clerk of the county in which  
166 the real estate is located, and in the office of the secretary of state. The  
167 costs of this proceeding shall be borne by the petitioning property  
168 owner.

169 12. The board of trustees of any reorganized common sewer  
170 district may petition the circuit court of the county containing the  
171 majority of the acreage in the district for an amended decree of  
172 incorporation to allow that district to engage in the construction,  
173 maintenance, and operation of water supply and distribution facilities  
174 that serve ten or more separate properties located wholly within the  
175 district, are not served by another political subdivision, or are not  
176 located within the certificated area of a water corporation as defined  
177 in chapter 386, RSMo, or within a public water supply district as  
178 defined in chapter 247, RSMo, and the operation and maintenance of all  
179 such existing water supply facilities. The petition shall be filed by the  
180 board of trustees, and all proceedings shall be in substantially the same  
181 manner as in action for initial formation of a reorganized common  
182 sewer district, except that no vote of the residents of the district shall  
183 be required. All applicable provisions of this chapter shall apply to the  
184 construction, operation, and maintenance of water supply facilities in  
185 the same manner as they apply to like functions relating to sewer  
186 treatment facilities.

204.604. 1. Any existing common sewer district organized and  
2 existing under sections 204.250 to 204.270, and any sewer district  
3 organized and existing under chapter 249, RSMo, may establish itself  
4 as a reorganized common sewer district under sections 204.600 to

5 204.640 by first filing a petition with the county commission of the  
6 county in which it was established to approve its reorganization under  
7 sections 204.600 to 204.640 if the governing body of the district has by  
8 resolution determined that it is in the best interest of the district to  
9 reorganize under sections 204.600 to 204.640. The petition shall be  
10 ruled on by that county commission within thirty days from the date of  
11 hearing the petition. If the petition for the reorganized district is  
12 rejected by the county commission, no further action on the  
13 reorganized district shall take place before the county commission or  
14 the circuit court. Such petition shall also specify whether the board of  
15 trustees shall be appointed by the governing body of the county or  
16 elected by the voters of the district. Such petition shall be  
17 accompanied by a cash deposit of fifty dollars as an advancement of the  
18 costs of the proceeding, and the petition shall be signed by the trustees  
19 of the district and shall request the conversion of the district into a  
20 reorganized common sewer district.

21 2. Upon filing, the petition shall be presented to the circuit  
22 court, and such court shall fix a date for a hearing on the petition. The  
23 clerk of the court shall give notice of the filing of the petition in some  
24 newspaper of general circulation within the existing district or closest  
25 to the existing district if there is no newspaper of general circulation  
26 within the existing district. If the existing district extends into any  
27 other county, such notice also shall be published in some newspaper of  
28 general circulation in such other county. The notice shall contain a  
29 description of the boundary lines of the existing district and the  
30 general purposes of the petition. The notice shall set forth the date  
31 fixed for the hearing on the petition, which shall not be less than  
32 fifteen nor more than twenty-one days after the date of the last  
33 publication of the notice and shall be on some regular judicial day of  
34 the court where the petition is pending. Such notice shall be signed by  
35 the clerk of the circuit court and shall be published in a newspaper of  
36 general circulation.

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

39 4. Exceptions to the conversion of an existing district to a  
40 reorganized common sewer district may be made by any voter or  
41 property owner within the proposed district, provided that such

42 exceptions are filed not less than five days prior to the date set for the  
43 hearing on the petition. Such exceptions shall specify the grounds  
44 upon which the exceptions are being made. If any such exceptions are  
45 filed, the court shall take them into consideration and shall consider  
46 the evidence in support of the petition and in support of the exceptions  
47 made. Should the court find that it would not be in the public interest  
48 to form such a district, the petition shall be dismissed at the cost of the  
49 petitioners. If the court finds that the conversion of the district to a  
50 reorganized common sewer district under sections 204.600 to 204.640 is  
51 in the best interests of the persons served by the existing district, then  
52 the court shall order the district's decree of incorporation amended to  
53 permit reorganization under sections 204.600 to 204.640. The existing  
54 board of trustees for such district shall continue to serve the  
55 reorganized common sewer district until such time as new trustees  
56 shall be appointed or elected as provided for in the court's decree. If  
57 their original terms of office are not so designated, the court shall  
58 designate such trustees to staggered terms from one to five years, so  
59 that one trustee is appointed or elected each year. The trustees  
60 appointed by the court shall serve for the terms designated and until  
61 their successors are appointed or elected as provided in section  
62 204.610. The decree shall further designate the name of the district by  
63 which it officially shall be known.

204.606. The bonded indebtedness or security interest of any  
2 creditor of any common sewer district originally organized and existing  
3 under sections 204.250 to 204.270 and any sewer district originally  
4 organized and existing under chapter 249, RSMo, that convert to a  
5 reorganized common sewer district shall not be impaired or affected by  
6 such conversion, and all covenants and obligations of such  
7 indebtedness shall remain in full force and effect, payable under the  
8 terms and conditions that existed without conversion.

204.608. 1. When a decree or amended decree of incorporation  
2 is issued as provided for in sections 204.600 to 204.640, a reorganized  
3 common sewer district shall be considered in law and equity a body  
4 corporate and politic and political subdivision of this state, known by  
5 the name specified in the court's decree, and by that name and style  
6 may sue and be sued, contract and be contracted with, acquire and hold  
7 real estate and personal property necessary for corporate purposes,



8 and adopt a common seal. A reorganized common sewer district also  
9 shall have exclusive jurisdiction and authority to provide wastewater  
10 collection and treatment services within the boundaries of the district  
11 with respect to any wastewater service provider authorized to provide  
12 sewer services under the laws of this state.

13 2. All courts in this state shall take judicial notice of the  
14 existence of any district organized under sections 204.600 to 204.640.

204.610. 1. There shall be five trustees, appointed or elected as  
2 provided for in the circuit court decree or amended decree of  
3 incorporation for a reorganized common sewer district, who shall  
4 reside within the boundaries of the district. Each trustee shall be a  
5 voter of the district and shall have resided in said district for twelve  
6 months immediately prior to the trustee's election or appointment. A  
7 trustee shall be at least twenty-five years of age and shall not be  
8 delinquent in the payment of taxes at the time of the trustee's election  
9 or appointment. Regardless of whether or not the trustees are elected  
10 or appointed, in the event the district extends into any county  
11 bordering the county in which the greater portion of the district lies,  
12 the presiding commissioner or other chief executive officer of the  
13 adjoining county shall be an additional member of the board of  
14 trustees, or the governing body of such bordering county may appoint  
15 a citizen from such county to serve as an additional member of the  
16 board of trustees. Said additional trustee shall meet the qualifications  
17 set forth in this section for a trustee.

18 2. The trustees shall receive no compensation for their services  
19 but may be compensated for reasonable expenses normally incurred in  
20 the performance of their duties. The board of trustees may employ and  
21 fix the compensation of such staff as may be necessary to discharge the  
22 business and purposes of the district, including clerks, attorneys,  
23 administrative assistants, and any other necessary personnel. The  
24 board of trustees may employ and fix the duties and compensation of  
25 an administrator for the district. The administrator shall be the chief  
26 executive officer of the district subject to the supervision and direction  
27 of the board of trustees. The administrator of the district may, with the  
28 approval of the board of trustees, retain consulting engineers for the  
29 district under such terms and conditions as may be necessary to  
30 discharge the business and purposes of the district.

31           **3. Except as provided in subsection 1 of this section, the term of**  
32 **office of a trustee shall be five years. The remaining trustees shall**  
33 **appoint a person qualified under this section to fill any vacancy on the**  
34 **board. The initial trustees appointed by the circuit court shall serve**  
35 **until the first Tuesday after the first Monday in June or until the first**  
36 **Tuesday after the first Monday in April, depending upon the resolution**  
37 **of the trustees. In the event that the trustees are elected, said elections**  
38 **shall be conducted by the appropriate election authority under chapter**  
39 **115, RSMo. Otherwise, trustees shall be appointed by the county**  
40 **commission in accordance with the qualifications set forth in**  
41 **subsection 1 of this section.**

42           **4. Notwithstanding any other provision of law, if there is only**  
43 **one candidate for the post of trustee, then no election shall be held, and**  
44 **the candidate shall assume the responsibilities of office at the same**  
45 **time and in the same manner as if elected. If there is no candidate for**  
46 **the post of trustee, then no election shall be held for that post and it**  
47 **shall be considered vacant, to be filled under the provisions of**  
48 **subsection 3 of this section.**

**204.612. The board of trustees of a reorganized common sewer**  
2 **district shall have no power to levy or collect any taxes for the payment**  
3 **of any general obligation bond indebtedness incurred by the**  
4 **reorganized common sewer district unless the voters of the reorganized**  
5 **common sewer district authorizes the board to incur indebtedness at**  
6 **an election. All expenses and indebtedness incurred by the reorganized**  
7 **common sewer district may be paid from funds that may be received by**  
8 **the reorganized common sewer district from the sale of bonds**  
9 **authorized by the voters of the reorganized common sewer district.**

**204.614. 1. Such bonds shall be signed by the president of the**  
2 **board of trustees and attested by the signature of the secretary of the**  
3 **board of trustees with the seal of the district affixed, if the district has**  
4 **a seal. The interest coupons may be executed by affixing the facsimile**  
5 **signature of the secretary of the district.**

6           **2. The moneys of the reorganized common sewer district shall be**  
7 **deposited by the treasurer of the reorganized common sewer district**  
8 **in such bank or banks as shall be designated by order of the board of**  
9 **trustees. The secretary of the reorganized common sewer district shall**  
10 **charge the treasurer, and the moneys shall be drawn from the treasury**

11 upon checks or warrants issued by the reorganized common sewer  
12 district for the purposes for which the bonds were issued.

204.616. 1. The board of trustees of any reorganized common  
2 sewer district shall have power to pass all necessary rules and  
3 regulations for the proper management and conduct of the business of  
4 the board of trustees and the district, and for carrying into effect the  
5 objectives for which the reorganized common sewer district is formed.

6 2. The board of trustees of a reorganized common sewer district,  
7 subject to compliance with the exercise of lawful authority granted to  
8 or rules adopted by the clean water commission under section 644.026,  
9 RSMo, may exercise primary authority to adopt, modify, and repeal,  
10 and to administer and enforce rules and regulations with respect to:

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

14 (2) Industrial users discharging into its sewer systems or  
15 treatment facilities;

16 (3) The establishment, operation, administration, and  
17 enforcement of a publicly owned treatment works pretreatment  
18 program consistent with state and federal pretreatment standards,  
19 including inspection, monitoring, sampling, permitting, and reporting  
20 programs and activities.

21 The board of trustees may, in addition to any pretreatment standards  
22 imposed under this section, require of any user of its treatment  
23 facilities such other pretreatment of industrial wastes as it deems  
24 necessary to adequately treat such wastes.

25 3. The rules and regulations adopted by the board of trustees  
26 under subsection 2 of this section shall be applicable and enforceable  
27 by civil, administrative, or other actions within any territory served by  
28 its sewer systems or treatment facilities and against any municipality,  
29 subdistrict, district, or industrial user who shall directly or indirectly  
30 discharge sewage or permit discharge of sewage into the district's  
31 sewer system or treatment facilities.

32 4. The authority granted to the board by this section is in  
33 addition to and not in derogation of any other authority granted under  
34 the constitution and laws of Missouri, any federal water pollution  
35 control act, or the rules of any agency of federal or state government.

36           5. The term "industrial user", as used in this section, shall mean  
37 any nondomestic source of discharge or indirect discharge into the  
38 district's wastewater system that is regulated under section 307(b), (c),  
39 or (d) of the Clean Water Act, or any source listed in division A, B, D,  
40 E, or I of the Standard Industrial Classification Manual, or any solid  
41 waste disposal operation such as, but not limited to, landfills, recycling  
42 facilities, solid or hazardous waste handling or disposal facilities, and  
43 facilities that store or treat aqueous wastes as generated by facilities  
44 not located on site and that dispose of these wastes by discharging  
45 them into the district's wastewater system.

204.618. 1. It shall be the duty of the board of trustees of a  
2 reorganized common sewer district to make the necessary surveys and  
3 to lay out and define the general plan for the construction and  
4 acquisition of land, rights-of-way, and necessary sewers and treatment  
5 facilities, and of any extensions, expansions, or improvements within  
6 the district.

7           2. The board of trustees of a reorganized common sewer district  
8 may enter into agreements with each municipality, subdistrict, private  
9 district, or any industrial user that discharges sewage into trunk  
10 sewers, streams, or the treatment facilities of the reorganized common  
11 sewer district concerning the locations and the manner in which  
12 sewage may be discharged into the district system or streams within  
13 the district and concerning the permissible content of acid wastes,  
14 alkaline wastes, poisonous wastes, oils, grit, or other wastes that might  
15 be hazardous or detrimental to the system. If no agreement is obtained  
16 with regard to any such matter, the trustees shall refer the dispute to  
17 the clean water commission. The determination of the commission shall  
18 be binding upon the district, municipality, subdistrict, or private  
19 district. Each municipality, subdistrict, or private district shall control  
20 the discharge of wastes into its collection sewers to the extent  
21 necessary to comply with the agreement or the determination of the  
22 clean water commission. The board of trustees of a reorganized  
23 common sewer district or the governing body of any municipality,  
24 subdistrict, private district, or industrial user discharging sewage into  
25 the stream or the system may petition the circuit court that decreed the  
26 incorporation of the district for an order enforcing compliance with  
27 any provision of such an agreement or determination. That circuit

28 court shall have jurisdiction in all cases or questions arising out of the  
29 organization or operations of the district, or from the acts of the board  
30 of trustees.

31 3. The board of trustees may contract with each participating  
32 community for the payment of its proportionate share of treatment  
33 costs.

34 4. The board of trustees may contract with public agencies,  
35 individuals, private corporations, and political subdivisions inside and  
36 outside the reorganized common sewer district to permit them to  
37 connect with and use the district's facilities according to such terms,  
38 conditions, and rates as the board determines are in the interest of the  
39 district and regardless of whether such agencies, individuals,  
40 corporations, and subdivisions are in the same natural drainage area  
41 or basins as the district. However, if such an area is located within the  
42 boundaries of an existing common sewer district or reorganized  
43 common sewer district organized and existing under this chapter, a  
44 sewer district organized and existing under chapter 249, RSMo, or a  
45 public water supply district organized under chapter 247, RSMo, the  
46 board of trustees must give written notice to said district before such  
47 a contract is entered into, and the district must consent to said  
48 contract.

49 5. The board of trustees may refuse to receive any wastes into  
50 the sewage system that do not meet relevant state or federal water  
51 pollution, solid waste, or pretreatment standards.

52 6. The board of trustees shall have all of the powers necessary  
53 and convenient to provide for the operation, maintenance,  
54 administration, and regulation, including the adoption of rules and  
55 regulations, of any individual home sewage or business treatment  
56 systems within the jurisdiction of the common sewer district.

57 7. The board of trustees shall have all of the powers necessary  
58 and convenient to provide for the operation and maintenance of its  
59 treatment facilities and the administration, regulation, and  
60 enforcement of its pretreatment program, including the adoption of  
61 rules and regulations to carry out its powers with respect to all  
62 municipalities, subdistricts, districts, and industrial users that  
63 discharge into the collection system of the district's sewer system or  
64 treatment facilities. These powers include, but are not limited to:

65           (1) The promulgation of any rule, regulation, or ordinance;  
66           (2) The issuance, modification, or revocation of any order;  
67           (3) The issuance, modification, or revocation of any permit;  
68           (4) Commencing an action through counsel for appropriate legal  
69 or equitable relief in the circuit court that decreed the district's  
70 incorporation against any industrial user in violation of the district's  
71 rules, regulations, and ordinances or any permit or order issued.

72           8. The board of trustees may adopt rules and regulations  
73 creating procedural remedies for all persons affected by any order or  
74 permit issued, modified, or revoked by the board including but not  
75 limited to the grant of reasonable time periods for such persons to  
76 respond and to show cause.

77           9. Whenever any reference is made in this section to any action  
78 that may be taken by the board of trustees, such reference includes  
79 such action by its executive officer under powers and duties delegated  
80 to such executive officer by the board of trustees.

204.620. 1. The board of trustees may acquire by purchase, gift,  
2 or condemnation or may lease or rent any real or personal property,  
3 and when condemnation is used, shall follow the procedure that is  
4 provided by chapter 523, RSMo. All the powers may be exercised both  
5 within or without the district as may be necessary to exercise its  
6 powers or accomplish its purposes. The board of trustees also shall  
7 have the same authority to enter upon private lands to survey land or  
8 other property before exercise of the above condemnation powers, as  
9 granted under section 388.210, RSMo, to railroad corporations.

10           2. The board of trustees of the reorganized common sewer  
11 district, if it is necessary to cross, follow, or traverse public streets,  
12 roads, alleys, or grounds held or used as public parks or places, shall  
13 have the right to do so upon the following conditions: the board of  
14 trustees shall file with the county commission or mayor of the  
15 municipality having immediate jurisdiction over the street, road, alley,  
16 or public park or place, a map showing the location and extent of the  
17 proposed occupancy for sewerage purposes and a plan of the proposed  
18 facilities, which plan shall be so made and arranged as not to interfere  
19 with the ordinary and lawful use of the street, road, alley, public park,  
20 or place, except during a reasonable time for the construction of the  
21 necessary works.

22           **3. The entire expense of the works and restoration of the ground**  
23 **occupied to its former condition, as near as may be, shall be borne by**  
24 **the reorganized common sewer district.**

**204.622. 1. The board of trustees for the reorganized common**  
2 **sewer district shall let contracts for the construction of sewers and**  
3 **sewage treatment plants that will cost more than twenty-five thousand**  
4 **dollars, except in case of repairs or emergencies requiring prompt**  
5 **attention. Notice of the contract bid process shall be published in a**  
6 **newspaper of general circulation in the district. The board shall select**  
7 **the lowest responsible bidder in no less than twenty days following**  
8 **such publication. The board shall have the power and authority to**  
9 **reject any and all bids and readvertise the work.**

10           **2. The board of trustees also shall have the power to enter into**  
11 **agreements with persons or firms to provide professional services to**  
12 **the board, and the board shall adopt policies for procuring the services**  
13 **of such professionals. The provisions of sections 8.285 to 8.291, RSMo,**  
14 **shall be applicable to the services of architects, engineers, and land**  
15 **surveyors unless the board of trustees adopts a formal procedure for**  
16 **the procurement of such services.**

**204.624. The cost of any reorganized common sewer district to**  
2 **acquire, construct, improve, or extend a sewerage system may be met:**

3           **(1) Through the expenditures by the common sewer district of**  
4 **any funds available for that purpose, including temporary or interim**  
5 **financing funds obtained through any federal or state loan program or**  
6 **from a local lending institution;**

7           **(2) From any other funds that may be obtained under any law of**  
8 **the state or of the United States or from any county or municipality for**  
9 **that purpose;**

10           **(3) From the proceeds of revenue bonds of the common sewer**  
11 **district, payable solely from the revenues to be derived from the**  
12 **operation of such sewerage system or from any combination of all the**  
13 **methods of providing funds;**

14           **(4) From the proceeds of general obligation bonds of the**  
15 **reorganized common sewer district, payable solely from voter-approved**  
16 **property taxes as provided for by law;**

17           **(5) From the proceeds of special obligation bonds of the**  
18 **reorganized common sewer district, payable solely from special fees or**

19 other revenues received by the district pledged for the purposes of  
20 payment of such bonds; or

21 (6) From the proceeds of user fees, charges, or other imposition  
22 for facilities and services provided by the district to its customers and  
23 users or the availability of services provided to persons, users, and  
24 customers within the district or who otherwise benefit from services  
25 provided by the district.

204.626. 1. A reorganized common sewer district may issue  
2 revenue bonds authorized by authority of a resolution adopted by the  
3 board of trustees of the reorganized common sewer district unless, in  
4 addition, the decree or amended decree of incorporation shall require  
5 any such bonds to be approved by the voters of the district after an  
6 election called for that purpose. The resolution shall recite that an  
7 estimate of the cost of the proposed acquisition, construction,  
8 improvement, extension, or other project has been made and shall set  
9 out the estimated cost. It shall set out the amount of the bonds  
10 proposed to be issued, their purposes, their dates, denominations, rates  
11 of interest, times of payment, both of principal and of interest, places  
12 of payment, and all other details in connection with the bonds.

13 2. The bonds may be subject to such provision for redemption  
14 prior to maturity, with or without premium, and at such times and  
15 upon such conditions as may be provided by the board of trustees of  
16 the common sewer district.

17 3. The bonds shall bear interest at a rate in accordance with  
18 section 108.170, RSMo, and shall mature over a period not exceeding  
19 thirty-five years from the date thereof.

20 4. The bonds may be payable to bearer, may be registered or  
21 coupon bonds, and if payable to bearer may contain such registration  
22 privileges as to either principal and interest, or principal only, as may  
23 be provided in the resolution authorizing the bonds.

24 5. The bonds and the coupons to be attached thereto, if any, shall  
25 be signed in such manner and by such officers as may be directed by  
26 resolution. Bonds signed by an officer who shall hold the office at the  
27 time the bonds are signed shall be deemed validly and effectually  
28 signed for all purposes, regardless of whether or not any officer shall  
29 cease to hold his office prior to the delivery of the bonds and  
30 regardless of whether or not any officer shall have held or shall not



31 have held such office on the date ascribed to the bonds.

32           6. The bonds shall be sold in such manner and upon such terms  
33 as the board of trustees of the reorganized common sewer district shall  
34 determine, subject to the provisions of section 108.170, RSMo. The  
35 resolution may provide that certain bonds authorized shall be junior  
36 or subordinate in any or all respects to other revenue bonds authorized  
37 concurrently with, prior to, or after such bonds.

          204.628. Any user fees or charges, connection fees, or other  
2 charges levied by the reorganized common sewer district to fund its  
3 general or special operations, maintenance, or payment of bonded  
4 indebtedness or other indebtedness shall be due at such time or times  
5 as specified by the reorganized common sewer district, and shall, if not  
6 paid by the due date, become delinquent and shall bear interest from  
7 the date of delinquency until paid. In addition to and consistent with  
8 any other provision of applicable law, if such fees or charges or other  
9 amounts due become delinquent, there shall be a lien upon the land,  
10 and a notice of delinquency shall be filed with the recorder of deeds in  
11 the county where the land is situated. The reorganized common sewer  
12 district shall file with the recorder of deeds a similar notice of  
13 satisfaction of debt when the delinquent amounts, plus interest and any  
14 recording fees or attorneys' fees, have been paid in full. The lien  
15 created may be enforced by foreclosure by power of sale vested in the  
16 reorganized common sewer district if the reorganized common sewer  
17 district adopts written rules for the exercise of power of sale consistent  
18 with the provisions of sections 443.290 to 443.325, RSMo, which are  
19 recorded in the land records of the office of the recorder of deeds in  
20 each county in which the district is located. Otherwise, such lien shall  
21 be enforced by suit in the circuit court having jurisdiction against the  
22 property subject to the lien for judicial foreclosure and sale by special  
23 execution. Such suit may include a request for judgment against the  
24 persons responsible for payment of such delinquency as well as the  
25 person or persons owning the property to which services were  
26 provided, if different, including post-sale deficiency, and as a part of  
27 the relief, may include award of the district's reasonable attorney's  
28 fees, court costs, and other expenses reasonably incurred by the district  
29 for collection.

          204.630. It shall be the mandatory duty of any reorganized

2 common sewer district issuing any general or special revenue bonds  
3 under sections 204.600 to 204.640 to:

4 (1) Fix and maintain rates and make and collect charges for the  
5 use and services of the system, for the benefit of which revenue bonds  
6 were issued, sufficient to pay the cost of maintenance and operation;

7 (2) Pay the principal of and the interest on all revenue bonds  
8 issued by the reorganized common sewer district chargeable to the  
9 revenues of the system; and

10 (3) Provide funds ample to meet all valid and reasonable  
11 requirements of the resolution by which the revenue bonds have been  
12 issued.

13 From time to time, the rates shall be revised to meet fully the  
14 requirements of sections 204.600 to 204.640. As long as any bond issued  
15 or the interest thereon shall remain outstanding and unpaid, rates and  
16 charges sufficient to meet the requirements of this section shall be  
17 maintained and collected by the reorganized common sewer district  
18 that issued the bonds.

204.632. 1. Whenever any reorganized common sewer district  
2 authorizes and issues revenue bonds under sections 204.600 to 204.640,  
3 an amount sufficient for the purpose of the net revenues of the  
4 sewerage system for the benefit of which the bonds are issued shall, by  
5 operation of sections 204.600 to 204.640, be pledged to the payment of  
6 the principal of and the interest on the bonds as the same shall mature  
7 and accrue.

8 2. The term "net revenues" means all income and revenues  
9 derived from the ownership and operation of the system less the actual  
10 and necessary expenses of operation and maintenance of the system.

11 3. It shall be the mandatory duty of the treasurer of the  
12 reorganized common sewer district to provide for the prompt payment  
13 of the principal and interest on any revenue bonds as they mature and  
14 accrue.

204.634. 1. The resolution of the board of trustees of the  
2 reorganized common sewer district authorizing the issuance of revenue  
3 bonds under the authority of sections 204.600 to 204.640 may provide  
4 that periodic allocations of the revenues to be derived from the  
5 operation of the system for the benefit of which the bonds are issued  
6 shall be made into such accounts, separate and apart from any other

7 accounts of the district, as shall be deemed to be advisable to assure  
8 the proper operation and maintenance of the system and the prompt  
9 payment of the indebtedness chargeable to the revenues of the  
10 system. The accounts may include, but shall not be limited to:

11 (1) An account to provide funds to operate and maintain the  
12 system;

13 (2) An account to provide funds to pay principal and interest on  
14 the bonds as they come due;

15 (3) An account to provide an adequate reserve for depreciation,  
16 to be expended for replacements of the system;

17 (4) An account for the accumulation of a reserve to assure the  
18 prompt payment of the bonds and the interest whenever and to the  
19 extent that other funds are not available for that purpose;

20 (5) An account to provide funds for contingent expenses in the  
21 operation of the system;

22 (6) An account to provide for the accumulation of funds for the  
23 construction of extensions and improvements to the system; and

24 (7) Such other accounts as may be desirable in the judgment of  
25 the board of trustees.

26 2. The resolution also may establish such limitations as may be  
27 expedient upon the issuance of additional bonds, payable from the  
28 revenues of the system, or upon the rights of the holders of such  
29 additional bonds. Such resolution may include other agreements with  
30 the holders of the bonds or covenants or restrictions necessary or  
31 desirable to safeguard the interests of the bondholder and to secure the  
32 payment of the bonds and the interest thereon.

204.636. For the purpose of refunding, extending, and unifying  
2 the whole or any part of any valid outstanding bonded indebtedness  
3 payable from the revenues of a sewerage system, any reorganized  
4 common sewer district may issue refunding bonds not exceeding in  
5 amount the principal of the outstanding indebtedness to be refunded  
6 and the accrued interest to the date of the refunding bonds. The board  
7 of trustees of the reorganized common sewer district shall provide for  
8 the payment of interest which shall not exceed the same rate and the  
9 principal of the refunding bonds in the same manner and from the same  
10 source as was provided for the payment of interest on and principal of  
11 the bonds to be refunded.

204.638. The board of trustees of the reorganized common sewer  
2 district may apply for and accept grants or funds and material or labor  
3 from the state and federal government in the construction of a  
4 sewerage system, as provided by sections 204.600 to 204.640, and may  
5 enter into such agreements as may be required of the state or federal  
6 laws, or the rules and regulations of any federal or state department,  
7 to which the application is made, and where the assistance is granted.

204.640. It shall be the duty of the mayors of cities, the circuit  
2 court, the governing bodies of counties, all political subdivisions, and  
3 all assessors, sheriffs, collectors, treasurers, and other officials in the  
4 state of Missouri to do and perform all the acts and to render all the  
5 services necessary to carry out the purposes of sections 204.600 to  
6 204.640.

204.650. Sections 204.650 to 204.672 shall be known and may be  
2 cited as the "Sanitary Sewer Improvement Area Act", and the following  
3 words and terms, as used in these sections, mean:

4 (1) "Acquire", the acquisition of property or interests in property  
5 by purchase, gift, condemnation, or other lawful means and may  
6 include the acquisition of existing property and improvements already  
7 owned by the district;

8 (2) "Assess or assessment", a unit of measure to allocate the cost  
9 of an improvement among property or properties within a sanitary  
10 sewer improvement area based on an equitable method of determining  
11 benefits to any such property resulting from an improvement;

12 (3) "Consultant", engineers, architects, planners, attorneys,  
13 financial advisors, accountants, investment bankers, and other persons  
14 deemed competent to advise and assist the governing body of the  
15 district in planning and making improvements;

16 (4) "Cost", all costs incurred in connection with an improvement,  
17 including but not limited to costs incurred for the preparation of  
18 preliminary reports, preparation of plans and specifications,  
19 preparation and publication of notices of hearings, resolutions,  
20 ordinances, and other proceedings, fees, and expenses of consultants,  
21 interest accrued on borrowed money during the period of construction,  
22 underwriting costs, and other costs incurred in connection with the  
23 issuance of bonds or notes, establishment of reasonably required  
24 reserve funds for bonds or notes, the cost of land, materials, labor, and

25 other lawful expenses incurred in planning, acquiring, and doing any  
26 improvement, reasonable construction contingencies, and work done or  
27 services performed by the district in the administration and  
28 supervision of the improvement;

29 (5) "District or common sewer district", any public sanitary sewer  
30 district or reorganized common sewer district established and existing  
31 under this chapter or chapter 249, RSMo, and any metropolitan sewer  
32 district organized under the constitution of this state;

33 (6) "Improve", to construct, reconstruct, maintain, restore,  
34 replace, renew, repair, install, equip, extend, or to otherwise perform  
35 any work that will provide a new sanitary sewer facility or enhance,  
36 extend, or restore the value or utility of an existing sanitary sewer  
37 facility;

38 (7) "Improvement", any one or more sanitary sewer facilities or  
39 improvements that confer a benefit on property within a definable area  
40 and may include or consist of a reimprovement of a prior  
41 improvement. Improvements include but are not limited to the  
42 following activities:

43 (a) To acquire property or interests in property when necessary  
44 or desirable for any purpose authorized by sections 204.650 to 204.672;

45 (b) To improve sanitary sewers, wastewater treatment plants,  
46 lagoons, septic tanks and systems, and any and all other sanitary sewer  
47 and waste water collection and treatment systems of any type, whether  
48 located on improved or unimproved public or private property, the  
49 general object and nature of which will either preserve, maintain,  
50 improve, or promote the general public health, safety, and welfare, or  
51 the environment, regardless of technology used;

52 (8) "Sanitary sewer improvement area", an area of a district with  
53 defined limits and boundaries that is created by petition under sections  
54 204.650 to 204.672 and that is benefitted by an improvement and subject  
55 to assessments against the real property for the cost of the  
56 improvement;

57 (9) "User fee", a fee established and imposed by a district to pay  
58 an assessment, in periodic installments, for improvements made in a  
59 sanitary sewer improvement area that benefit the property within such  
60 area that is subject to the assessment.

204.652. As an alternative to all other methods provided by law

2 or charter, the governing body of any sewer district or reorganized  
3 sewer district organized and operated under this chapter or chapter  
4 249, RSMo, or any metropolitan sewer district organized under the  
5 constitution of this state, may make, or cause to be made,  
6 improvements that confer a benefit upon property within a sanitary  
7 sewer improvement area under sections 204.650 to 204.672. The  
8 governing body of such district may issue temporary notes and revenue  
9 bonds under sections 204.650 to 204.672 to pay for all or part of the cost  
10 of such improvements. An improvement may be combined with one or  
11 more other improvements for the purpose of issuing a single series of  
12 revenue bonds to pay all or part of the cost of the sanitary sewer  
13 improvement area's improvements, but separate funds or accounts shall  
14 be established within the records of the district for each improvement  
15 project as provided in sections 204.650 to 204.672. Such district shall  
16 make assessments and may impose user fees on the property located  
17 within the sanitary sewer improvement area, in addition to any other  
18 fees or charges imposed by the district to provide services or pay  
19 debt. The district shall use the moneys collected from such assessments  
20 and user fees from a sanitary sewer improvement area to reimburse the  
21 district for all amounts paid or to be paid by it as principal of and  
22 interest on its temporary notes and revenue bonds issued for the  
23 improvements made in the sanitary sewer improvement area.

204.654. 1. To establish a sanitary sewer improvement area, the  
2 governing body of the sewer district shall comply with the following  
3 procedure: the governing body of the district may create a sanitary  
4 sewer improvement area when a proper petition has been signed by the  
5 owners of record of four-sevenths of the property within the proposed  
6 sanitary sewer improvement area. The petition, in order to become  
7 effective, shall be filed with the district. A proper petition for the  
8 creation of a sanitary sewer improvement area shall set forth the  
9 project name for the proposed improvement, the general nature of the  
10 proposed improvement, the estimated cost of such improvement, the  
11 boundaries of the proposed sanitary sewer improvement area, the  
12 proposed method or methods of financing the project, including the  
13 estimated amount of and method for imposing user fees against the real  
14 property within the sanitary sewer improvement area to pay for the  
15 cost of the improvements and any bonds issued, a notice that the names

16 of the signers may not be withdrawn later than seven days after the  
17 petition is filed with the district, and a notice that the final cost of such  
18 improvement and the amount of revenue bonds issued shall not exceed  
19 the estimated cost of such improvement, as stated in such petition, by  
20 more than twenty-five percent.

21 2. Upon filing a proper petition with the district, the governing  
22 body may, by resolution, determine the advisability of the improvement  
23 and may order that the area be established and that preliminary plans  
24 and specifications for the improvement be made. Such resolution shall  
25 state and make findings as to the project name for the proposed  
26 improvement, the nature of the improvement, the estimated cost of  
27 such improvement, the boundaries of the sanitary sewer improvement  
28 area, the proposed method or methods of imposing assessments and, if  
29 known, proposed estimated user fees within the district. The resolution  
30 also shall state that the final cost of such improvement within the  
31 sanitary sewer improvement area and the amount of revenue bonds  
32 issued shall not, without a new petition, exceed the estimated cost of  
33 such improvement by more than twenty-five percent.

34 3. The boundaries of the proposed area shall be described by  
35 bounds, streets, or other sufficiently specific description.

204.656. The portion of the cost of any improvement to be  
2 assessed or imposed against the real property in a sanitary sewer  
3 improvement area shall be apportioned against such property in  
4 accordance with the benefits accruing by reason of such  
5 improvement. Subject to the provisions of the farmland protection act,  
6 sections 262.800 to 262.810, RSMo, the cost may be assessed equally by  
7 lot or tract against property within the area, or by any other  
8 reasonable assessment plan determined by the governing body of the  
9 district that results in imposing substantially equal burdens or share  
10 of the cost upon property similarly benefited. The governing body of  
11 the district may from time to time determine and establish by  
12 resolution reasonable general classifications and formula for the  
13 methods of assessing or determining the benefits.

204.658. 1. After the governing body has made the findings  
2 specified in sections 204.650 to 204.672 and plans and specifications for  
3 the proposed improvements have been prepared, the governing body  
4 shall by resolution order assessments to be made against each parcel

5 of real property deemed to be benefited by an improvement based on  
6 the revised estimated cost of the improvement or, if available, the final  
7 cost, and shall order a proposed assessment roll to be prepared.

8       2. The plans and specifications for the improvement and the  
9 proposed assessment roll shall be filed with the district and shall be  
10 open for public inspection. Such district shall, at the direction of the  
11 governing body, publish notice that the governing body will conduct a  
12 hearing to consider the proposed improvement and proposed  
13 assessments. Such notice shall be published in a newspaper of general  
14 circulation at least once not more than twenty days and not less than  
15 ten days before the hearing and shall state the project name for the  
16 improvement, the date, time, and place of such hearing, the general  
17 nature of the improvement, the revised estimated cost or, if available,  
18 the final cost of the improvement, the boundaries of the sanitary sewer  
19 improvement area to be assessed, and that written or oral objections  
20 will be considered at the hearing. Not less than ten days before, the  
21 district shall mail to the owners of record of the real property in the  
22 sanitary sewer improvement area, at their last known post office  
23 address, a notice of the hearing and a statement of the cost proposed  
24 to be assessed against the real property so owned and assessed. The  
25 failure of any owner to receive such notice shall not invalidate the  
26 proceedings.

204.660. 1. At the hearing to consider the proposed  
2 improvements and assessments, the governing body shall hear and pass  
3 upon all objections to the proposed improvements and proposed  
4 assessments, if any, and may amend the proposed improvements, and  
5 the plans and specifications, or assessments as to any property, and  
6 thereupon by resolution, the governing body shall order that the  
7 improvement be made and direct that financing for the cost be obtained  
8 as provided in sections 204.650 to 204.672.

9       2. After the improvement has been completed in accordance with  
10 the plans and specifications, the governing body shall compute the final  
11 costs of the improvement and apportion the costs among the property  
12 benefited by such improvement in such equitable manner as the  
13 governing body shall determine, charging each tract, lot, or parcel of  
14 property with its proportionate share of the costs, and by resolution,  
15 assess the final cost of the improvement, or the amount of revenue



16 bonds issued or to be issued to pay for the improvement, as special  
17 assessments against the property described in the assessment roll.

18       3. After the passage or adoption of the resolution assessing the  
19 special assessments, the district shall mail to each property owner  
20 within the district a notice that sets forth a description of each owners  
21 tract, lot, or parcel of real property to be assessed, the assessment  
22 assigned to such property, and a statement that the property owner  
23 may pay such assessment in full, together with interest accrued from  
24 the effective date of such resolution, on or before a specified date  
25 determined by the effective date of the resolution, or may pay such  
26 assessment in the form of user fees in periodic installments as provided  
27 in subsection 4 of this section. Notice of each assessment and  
28 imposition of the assessment lien, together with a legal description for  
29 each property assessed within the area, shall be filed with the recorder  
30 of deeds upon the effective date of the resolution. However, failure to  
31 record any such notice in a timely manner shall not affect the validity  
32 of the assessments or liens. The district shall record written notice of  
33 release of lien whenever an assessment is paid in full. The cost of  
34 recording assessment notices and release of liens shall be includable in  
35 the assessment.

36       4. The special assessments shall be assessed upon the property  
37 within the area. Those not paid in full as provided in subsection 3 of  
38 this section shall be payable in the form of user fees payable in  
39 periodic and substantially equal installments, as determined by the  
40 district, for a duration prescribed by the resolution establishing the  
41 special assessments. All assessments shall bear interest at such rate as  
42 the governing body determines, not to exceed the rate permitted for  
43 bonds by section 108.170, RSMo. Interest on the assessment between  
44 the effective date of the resolution assessing the special assessments  
45 and the date the first installment of a user fee is payable shall be added  
46 to the first installment or prorated among all scheduled installments.

47       5. Assessments not paid in full shall be collected and paid over  
48 to the district in the form of user fees in the same manner as other  
49 district fees and charges are collected and paid, or by any other  
50 reasonable method determined by the district.

204.662. No suit to set aside the assessments made under sections  
2 204.680 to 204.730, or to otherwise question the validity of the

3 proceedings, shall be brought after the expiration of ninety days from  
4 the date the notice is mailed to the last known owners of record of the  
5 assessments required by subsection 3 of section 204.660.

204.664. 1. To correct omissions, errors, or mistakes in the  
2 original assessment that relate to the total cost of an improvement, the  
3 governing body of the district may, without a notice or hearing, make  
4 supplemental or additional assessments on property within a sanitary  
5 sewer improvement area, except that such supplemental or additional  
6 assessments shall not, without a new petition as provided in sections  
7 204.650 to 204.672, exceed twenty-five percent of the estimated cost of  
8 the improvement as set forth in the petition under the provisions of  
9 sections 204.650 to 204.672.

10 2. When an assessment is, for any reason whatsoever, set aside  
11 by a court of competent jurisdiction as to any property, or in the event  
12 the governing body finds that the assessment or any part thereof is  
13 excessive or determines on advice of counsel in writing that it is or  
14 may be invalid for any reason, the governing body may, upon notice  
15 and hearing as provided for the original assessment, make a  
16 reassessment or a new assessment as to such property.

204.666. An assessment authorized under sections 204.650 to  
2 204.672, once determined and imposed, shall constitute a lien against  
3 such property until paid in full and shall not be affected by the  
4 existence or enforcement of any other liens or encumbrances, nor shall  
5 enforcement of an assessment lien have any effect on the validity or  
6 enforcement of any tax lien or lien established by mortgage or deed of  
7 trust. An assessment lien becomes delinquent when an assessment is  
8 not paid in full as prescribed by sections 204.650 to 204.672, or when  
9 one or more periodic installments imposed by the district for an  
10 assessment remain unpaid for a period of thirty days or more after  
11 notice of delinquency in payment is mailed to the last known owners  
12 of the property subject to assessment by regular United States mail and  
13 by certified mail, return receipt requested, at their last known address,  
14 provided by such owners to the district and to the occupant of property  
15 that is subject to assessment, if different from that of the owners. In  
16 the event any such user fee remains unpaid after thirty days of the  
17 mailing of any such notice, and in addition to any other remedy the  
18 district may have by statute or duly enacted regulation for the

19 collection of delinquent amounts owed to the district, the district shall  
20 be entitled to petition the circuit court having jurisdiction to foreclose  
21 upon the assessment lien by special execution sale of the property  
22 subject to the assessment for the unpaid assessment plus reasonable  
23 attorney's fees, court costs, and other reasonable costs incurred by the  
24 district in collection. In any such suit, the district shall name all  
25 parties appearing of record to have or claim an interest in the property  
26 subject to the unpaid assessment and shall file a notice of lis pendens  
27 in connection with said action. In addition, the district may obtain a  
28 judgment against last known owners of the property for any deficiency  
29 in payment of the assessment and costs and fees made a part of the  
30 court's judgment.

204.668. After an improvement has been authorized under  
2 sections 204.650 to 204.672, the governing body of the district may issue  
3 temporary notes of the district to pay the costs of such improvement in  
4 an amount not to exceed the estimated cost of such improvement. Such  
5 temporary notes may be issued in anticipation of issuance of revenue  
6 bonds of the district. The district may participate in any  
7 governmentally sponsored bond pooling program or other bond  
8 program. Bonds may be issued and made payable from special  
9 assessments paid in the form of user fees under subsection 4 of section  
10 204.660 and other revenues of the district.

204.670. A separate fund or account shall be created by the  
2 district for each improvement project, and each such fund or account  
3 shall be identified by a suitable title. The proceeds from the sale of  
4 bonds and temporary notes and any other moneys appropriated thereto  
5 by the governing body of the district shall be credited to such funds or  
6 accounts. Such funds or accounts shall be used solely to pay the costs  
7 incurred in making each respective improvement. Upon completion of  
8 an improvement, the balance remaining in the fund or account  
9 established for such improvement, if any, may be held as contingent  
10 funds for future improvements or may be credited against the amount  
11 of the original assessment of each parcel of property, on a pro rata  
12 basis based on the amount of the original assessment, and with respect  
13 to property owners that have prepaid their assessments in accordance  
14 with sections 204.650 to 204.672, the amount of each such credit shall  
15 be refunded to the appropriate property owner. With respect to all

16 other property owners, the amount of each such credit shall be  
17 transferred and credited to the district bond and interest fund to be  
18 used solely to pay the principal of and interest on the bonds or  
19 temporary notes, and the assessments shall be reduced accordingly by  
20 the amount of such credit.

204.672. Any public sanitary sewer district or reorganized sewer  
2 district organized and operated under this chapter or chapter 249,  
3 RSMo, and any metropolitan sewer district organized under the  
4 constitution of this state, may enter into a cooperative agreement with  
5 a city or county for the purpose of constructing sanitary sewer system  
6 improvements under the provisions of the neighborhood improvement  
7 district act, sections 67.453 to 67.475, RSMo. Any such cooperative  
8 agreement, if approved by the governing bodies of the district and city  
9 or county, may include provisions for joint administration of projects  
10 for the issuance of temporary notes and general obligation bonds by  
11 district, city, or county, separately or jointly, and for the payment of  
12 such bonds by any source of funds or user fees in addition to funds  
13 from special assessments as provided for in sections 67.453 to 67.475,  
14 RSMo, and general ad valorem taxes, so long as all terms, conditions,  
15 and covenants of any applicable bond resolution or ordinance are  
16 complied with and so long as said notes and bonds are issued in  
17 compliance with general applicable law.

204.674. The provisions of sections 204.600 to 204.672 shall not  
2 apply to the provisions in section 204.472, any city not within a county  
3 and any county with a charter form of government and with more than  
4 one million inhabitants, any sewer district created and organized under  
5 constitutional authority, any sewer district located in any county with  
6 a charter form of government and with more than six hundred  
7 thousand but fewer than seven hundred thousand inhabitants that  
8 provides wholesale sewer service, or any county of the first  
9 classification with more than one hundred thirty-five thousand four  
10 hundred but fewer than one hundred thirty-five thousand five hundred  
11 inhabitants.

Section B. Because of the need to allow the citizens of Missouri to operate  
2 and maintain sewer systems, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution,

5 and section A of this act shall be in full force and effect upon its passage and  
6 approval.

✓

Unofficial

Bill

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