

FIRST REGULAR SESSION

HOUSE BILL NO. 851

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

1483H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees in connection with sewer lines.

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

Section A. Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows:

249.422. 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 association who are of the opinion that they are not properly classified as provided in this section
19 to notify the county **or municipal** office administering the program. Where an existing sewer
20 lateral program was in effect prior to August 28, 2003, condominium and apartment units not
21 previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral
22 serving the unit is defective.

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

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

29 YES NO

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

38 **4. Fee payments that are authorized by this section shall be exempt from the**
39 **requirements of section 139.031, and class action challenges are authorized, including**
40 **challenges under article X, sections 22 and 23 of the Constitution of Missouri, as well as**
41 **other measures approved by law.**

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