

SECOND REGULAR SESSION

# SENATE BILL NO. 581

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

Pre-filed December 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 249, RSMo, by adding thereto one new section relating to the authority of certain sewer districts to request voter approval of a fee for the repair of lateral sewer service lines.

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

Section A. Chapter 249, RSMo, is amended by adding thereto one new  
2 section, to be known as section 249.424, to read as follows:

**249.424. 1. If approved by a majority of the voters voting on the  
2 proposal, and upon the adoption of a resolution by a majority of the  
3 sewer district's board of trustees, any sewer district established and  
4 organized under this chapter, may levy and impose annually a fee not  
5 to exceed fifty dollars per year within its boundaries for the repair of  
6 lateral sewer service lines on or connecting residential property having  
7 six or fewer dwelling units, except that the fee shall not be imposed on  
8 property in the sewer district that is located within any city, town,  
9 village, or unincorporated area of a county that already imposes a fee  
10 under section 249.422. Any sewer district that establishes or increases  
11 the fee used to repair any portion of the lateral sewer service line shall  
12 include all defective portions of the lateral sewer service line from the  
13 residential structure to its connection with the public sewer system  
14 line. Notwithstanding any provision of chapter 448, the fee imposed  
15 pursuant to this chapter shall be imposed upon condominiums that  
16 have six or fewer condominium units per building and each  
17 condominium unit shall be responsible for its proportionate share of  
18 any fee charged pursuant to this chapter, and in addition, any  
19 condominium unit shall, if determined to be responsible for and served  
20 by its own individual lateral sewer line, be treated as an individual**

21 residence regardless of the number of units in the development. It  
22 shall be the responsibility of the condominium owner or condominium  
23 association to notify the sewer district that they are not properly  
24 classified as provided in this section.

25       2. The question shall be submitted to the registered voters who  
26 reside within the boundaries of the sewer district, excluding any voters  
27 who live within the boundaries of any city, town, village, or  
28 unincorporated area of a county that already imposes a fee under  
29 section 249.422. The question shall be submitted in substantially the  
30 following form:

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

38                            YES                            NO

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

51       4. The collector in any county containing a sewer district that  
52 adopts a resolution under this section to collect a fee for the repair of  
53 lateral sewer service lines may add such fee to the general tax levy bills  
54 of property owners within the boundaries of the sewer district,  
55 excluding property located in any city, town, village, or unincorporated  
56 area of the county that already imposes a fee under section 249.422. All

57 revenues received on such combined bill for the purpose of providing  
58 for the repair of lateral sewer service lines shall be separated from all  
59 other revenues so collected and credited to the special account  
60 established by the sewer district under subsection 3 of this section.

61       5. If a city, town, village, or county, which is within the sewer  
62 district and imposed a fee under section 249.422, later rescinds such fee  
63 after voters authorized the fee provided under this section, the sewer  
64 district may submit the question provided under subsection 2 of this  
65 section to the registered voters of such city, town, village, or county  
66 that have property within the boundaries of the sewer district. If a  
67 majority of voters voting on the proposal approve, the sewer district  
68 may levy and impose the fee as provided under this section on property  
69 within such city, town, village, or county.

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