

SECOND REGULAR SESSION

HOUSE BILL NO. 1586

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (120).

Read 1st time February 26, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3970L.011

AN ACT

To amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to sewerage systems, with penalty provisions.

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-three new sections,
2 to be known as sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612,
3 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632,
4 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660,
5 204.662, 204.664, 204.666, 204.668, 204.670, and 204.672, to read as follows:

204.600. 1. Sections 204.600 to 204.640 shall be known and may be cited as the
2 **"Reorganized Common Sewer District Act".**

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

204.602. 1. Proceedings for the new formation of a reorganized common sewer
2 **district under the RCSDA shall be substantially as follows: a petition in duplicate**
3 **describing the proposed boundaries of the reorganized district sought to be formed,**
4 **accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit**
5 **court of the county wherein the proposed district is situated or with the clerk of the circuit**

6 court of the county having the largest acreage proposed to be included in the proposed
7 district, in the event that the proposed district embraces lands in more than one county.
8 Such petition, in addition to such boundary description, shall set forth an estimate of the
9 number of customers of the proposed district, the necessity for the formation of the district,
10 the probable cost of acquiring or constructing sanitary sewer improvements with the
11 district, if appropriate, an approximation of the assessed valuation of taxable property
12 within the district, whether the board of trustees shall be elected or appointed by the
13 county commission, and such other information as may be useful to the court in
14 determining whether the petition should be granted and a decree of incorporation entered.
15 Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of
16 the costs of the proceeding, and the petition shall be signed by not less than fifty voters or
17 property owners within the proposed district and shall pray for the incorporation of the
18 territory therein described into a reorganized common sewer district. The petition shall
19 be verified by at least one of the signers thereof.

20 2. Upon the filing of the petition, the petition shall be presented to the circuit court,
21 and such court shall fix a date for a hearing on such petition, as herein provided.
22 Thereupon the clerk of the court shall give notice of the filing of the petition in some
23 newspaper of general circulation in the county in which the proceedings are pending, and
24 if the district extends into any other county or counties, such notice shall also be published
25 in some newspaper of general circulation in such other county or counties. The notice shall
26 contain a description of the proposed boundary lines of the district and the general
27 purposes of the petition, and shall set forth the date fixed for the hearing on the petition,
28 which shall not be less than fifteen nor more than twenty-one days after the date of the last
29 publication of the notice and shall be on some regular judicial day of the court wherein the
30 petition is pending. Such notice shall be signed by the clerk of the circuit court and shall
31 be published in three successive issues of a weekly newspaper or in a daily paper once a
32 week for three consecutive weeks.

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

35 4. Exceptions to the formation of a district, or to the boundaries outlined in the
36 petition for the incorporation thereof, may be made by any voter or property owner within
37 the proposed district, provided such exceptions are filed not less than five days before the
38 date set for the hearing on the petition. Such exceptions shall specify the grounds upon
39 which the exceptions are being made. If any such exceptions are filed, the court shall take
40 them into consideration in passing upon the petition, and shall also consider the evidence
41 in support of the petition and in support of the exceptions made. Should the court find that

42 the petition should be granted but that changes should be made in the boundary lines, it
43 shall make such changes in the boundary lines as set forth in the petition as the court may
44 deem proper, and thereupon enter its decree of incorporation, with such boundaries as
45 changed. No public sewer district formed pursuant to this chapter or chapter 249, RSMo,
46 or section 247.035, RSMo, or any sewer district created and organized pursuant to
47 constitutional authority, shall have boundaries that encroach upon the corporate
48 boundaries of any sewer district then existing, nor shall any public sewer district extend
49 wastewater collection and treatment services within the boundaries of another without
50 written cooperative agreement between such districts to do so.

51 5. Should the court find that it would not be in the public interest to form such a
52 district, the petition shall be dismissed at the costs of the petitioners. If, however, the court
53 should find in favor of the formation of such district, the court shall enter its decree of
54 incorporation, setting forth the boundaries of the proposed district as determined by the
55 court under the hearing. The decree shall further contain an appointment of five voters
56 from the district, to constitute the first board of trustees of the district. The court shall
57 designate such trustees to staggered terms from one to five years such that one director is
58 appointed or elected each year. The trustees thus appointed by the court shall serve for
59 the terms thus designated and until their successors shall have been appointed or elected
60 as provided in section 204.625. The decree shall further designate the name of the district
61 by which it shall be officially known.

62 6. The decree of incorporation shall not become final and conclusive until it has
63 been submitted to the voters residing within the boundaries described in such decree and
64 until it has been assented to by a majority of the voters as provided in subsection 9 of this
65 section or by two-thirds of the voters of the district voting on the proposition. The decree
66 shall provide for the submission of the question and shall fix the date thereof. The returns
67 shall be certified by the judges and clerks of election to the circuit court having jurisdiction
68 in the case and the court shall thereupon enter its order canvassing the returns and
69 declaring the result of such election.

70 7. If a majority of the voters of the district voting on such proposition approve of
71 the proposition, then the court shall, in such order declaring the result of the election, enter
72 a further order declaring the decree of incorporation to be final and conclusive. In the
73 event, however, that the court should find that the question had not been assented to by the
74 required majority, the court shall enter a further order declaring such decree of
75 incorporation to be void and of no effect. No appeal shall lie from any such decree of
76 incorporation nor from any of such orders. In the event that the court declares the decree
77 of incorporation to be final, as herein provided for, the clerk of the circuit court shall file

78 certified copies of such decree of incorporation and of such final order with the secretary
79 of state, and with the recorder of deeds of the county or counties in which the district is
80 situated and with the clerk of the county commission of the county or counties in which the
81 district is situated.

82 8. The costs incurred in the formation of the district shall be taxed to the district,
83 if the district be incorporated otherwise against the petitioners.

84 9. If petitioners seeking formation of a reorganized common sewer district specify
85 in their petition that the district to be organized shall be organized without authority to
86 issue general obligation bonds, then the decree relating to the formation of the district shall
87 recite that the district shall not have authority to issue general obligation bonds, and the
88 vote required for such a decree of incorporation to become final and conclusive shall be a
89 simple majority of the voters of the district voting on the proposition.

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

93 (1) The board of trustees of the reorganized sewer district and five or more voters
94 within the territory proposed to be added to the district; or

95 (2) A majority of the landowners within the territory which is proposed to be added
96 to the reorganized sewer district.

97 If the petition is filed by a majority of the landowners within the territory proposed to be
98 added to the reorganized sewer district, the publication of notice shall not be required,
99 provided notice is posted in three public places within the territory proposed to be added
100 to the reorganized sewer district at least seven days before the date of the hearing and
101 provided that there is sworn testimony by at least five landowners in the territory proposed
102 to be added to the reorganized sewer district, or a majority of the landowners, if the total
103 landowners in the area are fewer than ten. Otherwise the procedures for notice shall
104 substantially follow those set out in subsection 2 of this section for formation. Territory
105 proposed to be added to the reorganized sewer district may either be contiguous or
106 reasonably close to the boundaries of the existing district. Upon the entry of a final
107 judgment declaring the court's decree of territory proposed to be added to the reorganized
108 sewer district to be final and conclusive, the court shall modify or rearrange the boundary
109 lines of the reorganized sewer district as may be necessary or advisable. The costs incurred
110 in the enlargement or extension of the district shall be taxed to the district, if the district
111 be enlarged or extended, otherwise against the petitioners; provided, however, that no costs
112 shall be taxed to the trustees of the district.

113 11. Should any property owner or property owners who own real estate that is not

114 within another sewer district organized under this chapter, chapter 247, or 249, RSMo, or
115 under the state constitution, but that is contiguous or reasonably close to the existing
116 boundaries of the reorganized sewer district, desire to have such real estate incorporated
117 in the district, the property owner shall first petition the board of trustees thereof for its
118 approval. If such approval is granted, the secretary of the board shall endorse a certificate
119 of the fact of approval by the board upon the petition. The petition so endorsed shall be
120 filed with the clerk of the circuit court in which the reorganized sewer district is
121 incorporated. It shall then be the duty of the court to amend the boundaries of such
122 district by a decree incorporating the real estate in the same. A certified copy of this
123 amended decree including the real estate in the district shall then be filed in the office of
124 the recorder and in the office of the county clerk of the county in which the real estate is
125 located, and in the office of the secretary of state. The costs of this proceeding shall be
126 borne by the petitioning property owner.

127 12. The board of trustees of any reorganized common sewer district may petition
128 the circuit court of the county containing the majority of the acreage in the district for an
129 amended decree of incorporation to allow that district to engage in the construction,
130 maintenance, and operation of water supply and distribution facilities which serve ten or
131 more separate properties which are located wholly within the district and are not served
132 by another political subdivision or are not located within the certificated area of a water
133 corporation as defined in chapter 386, RSMo, or within a public water supply district as
134 defined in chapter 247, RSMo, and the operation and maintenance of all such existing
135 water supply facilities. The petition shall be filed by the board of trustees and all
136 proceedings shall be in substantially the same manner as in action for initial formation of
137 a reorganized common sewer district except that no vote of the residents of the district
138 shall be required. All applicable provisions of this chapter shall apply to the construction,
139 operation, and maintenance of water supply facilities in the same manner as they apply to
140 like functions relating to sewer treatment facilities.

204.604. 1. Any existing common sewer district organized and existing under
2 sections 204.250 to 204.270 and any sewer district organized and existing pursuant to
3 chapter 249, RSMo, may establish itself as a reorganized common sewer district under the
4 RCSDA by petitioning the circuit court of the county in which it was established to
5 approve its reorganization under the RCSDA if the governing body of the district has by
6 resolution determined that it is in the best interest of the district to reorganize under the
7 RCSDA. Such petition shall also specify whether the board of trustees shall be appointed
8 by the governing body of the county, or elected by the voters of the district. Such petition
9 shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of

10 the proceeding, and the petition shall be signed by the trustees of the district and shall pray
11 for the conversion of the district into a reorganized common sewer district.

12 2. Upon the filing of the petition, the petition shall be presented to the circuit court,
13 and such court shall fix a date for a hearing on such petition, as herein provided.
14 Thereupon the clerk of the court shall give notice of the filing of the petition in some
15 newspaper of general circulation within the existing district or closest to the existing
16 district if there is no newspaper of general circulation within the existing district, and if the
17 existing district extends into any other county or counties, such notice shall also be
18 published in some newspaper of general circulation in such other county or counties. The
19 notice shall contain a description of the boundary lines of the existing district and the
20 general purposes of the petition, and shall set forth the date fixed for the hearing on the
21 petition, which shall not be less than fifteen nor more than twenty-one days after the date
22 of the last publication of the notice and shall be on some regular judicial day of the court
23 wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court
24 and shall be published in three successive issues of a weekly newspaper or in a daily paper
25 once a week for three consecutive weeks.

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

28 4. Exceptions to the conversion of an existing district to a reorganized common
29 sewer district may be made by any voter or property owner within the proposed district;
30 provided, such exceptions are filed not less than five days before the date set for the
31 hearing on the petition. Such exceptions shall specify the grounds upon which the
32 exceptions are being made. If any such exceptions be filed, the court shall take them into
33 consideration in passing upon the petition and shall also consider the evidence in support
34 of the petition and in support of the exceptions made. Should the court find that it would
35 not be in the public interest to form such a district, the petition shall be dismissed at the
36 costs of the petitioners. If the court finds that the conversion of the district to a
37 reorganized common sewer district under the RCSDA is in the best interests of the persons
38 served by the existing district, then the court shall order the district's decree of
39 incorporation amended to permit reorganization under the RCSDA, and the existing board
40 of trustees for such district shall continue to serve the reorganized common sewer district
41 until such time as new trustees are appointed or elected as provided for in the court's
42 decree. If their original terms of office are not so designated, the court shall designate such
43 trustees to staggered terms from one to five years such that one trustee is appointed or
44 elected each year. The trustees thus appointed by the court shall serve for the terms thus
45 designated and until their successors shall have been appointed or elected as provided in

46 section 204.625. The decree shall further designate the name of the district by which it
47 shall be officially known.

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

204.608. 1. When a decree or amended decree of incorporation is issued as
2 provided for in the RCSDA, a reorganized common sewer district shall be considered in
3 law and equity a body corporate and politic and political subdivision of this state, known
4 by the name specified in the court's decree, and by that name and style may sue and be
5 sued, contract and be contracted with, acquire and hold real estate and personal property
6 necessary for corporate purposes, and adopt a common seal. A reorganized common sewer
7 district also shall have exclusive jurisdiction and authority to provide wastewater collection
8 and treatment services within the boundaries of the district with respect to any wastewater
9 service provider authorized to provide sewer services under the laws of this state.

10 2. All courts in this state shall take judicial notice of the existence of any district
11 organized under the RCSDA.

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

14 2. The trustees shall receive no compensation for their services, but may be
15 compensated for their reasonable expenses normally incurred in the performance of their
16 duties. The board of trustees may employ and fix the compensation of such staff as may
17 be necessary to discharge the business and purposes of the district, including clerks,

18 attorneys, administrative assistants, and any other necessary personnel. The board of
19 trustees may employ and fix the duties and compensation of an administrator for the
20 district. The administrator shall be the chief executive officer of the district subject to the
21 supervision and direction of the board of trustees. The administrator of the district may,
22 with the approval of the board of trustees, retain consulting engineers for the district under
23 such terms and conditions as may be necessary to discharge the business and purposes of
24 the district.

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

34 4. Notwithstanding any other provision of law, if there is only one candidate for the
35 post of trustee, then no election shall be held, and the candidate shall assume the
36 responsibilities of office at the same time and in the same manner as if elected. If there is
37 no candidate for the post of trustee, then no election shall be held for that post and it shall
38 be considered vacant, to be filled under subsection 3 of this section.

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

204.614. 1. The total amount of any general obligation bonds issued by the
2 reorganized common sewer district shall not exceed ten percent of the assessed valuation
3 of all taxable tangible property, as shown by the last completed property assessment for
4 state or local purposes, within the reorganized common sewer district.

5 2. Such bonds shall be signed by the president of the board of trustees and attested
6 by the signature of the secretary of the board of trustees with the seal of the district affixed
7 thereto, if there be a seal. The interest coupons may be executed by affixing thereon the

8 **facsimile signature of the secretary of the district. The bonds may be sold under the same**
9 **conditions as are provided for the sale of county road bonds.**

10 **3. All general obligation bonds issued under the RCSDA shall be registered in the**
11 **office of the state auditor as provided by law for the registration of bonds of cities and in**
12 **the office of the secretary of the board of trustees of the district in a book kept for that**
13 **purpose for registry, shall show the number, date, amount, date of sale, name of the**
14 **purchaser, and the amount for which the bond was sold. The moneys of the reorganized**
15 **common sewer district shall be deposited by the treasurer of the reorganized common**
16 **sewer district in such bank or banks as shall be designated by order of the board of**
17 **trustees and the secretary of the reorganized common sewer district shall charge the**
18 **treasurer therewith and the moneys shall be drawn from the treasury upon checks or**
19 **warrants issued by the reorganized common sewer district for the purposes for which the**
20 **bonds were issued.**

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

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

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

11 **(2) Industrial users discharging into its sewer systems or treatment facilities;**

12 **(3) The establishment, operation, administration, and enforcement of a publicly**
13 **owned treatment works pretreatment program consistent with state and federal**
14 **pretreatment standards, including inspection, monitoring, sampling, permitting, and**
15 **reporting programs and activities.**

16

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

20 **3. The rules and regulations adopted by the board of trustees under subsection 2**
21 **of this section shall be applicable, and enforceable by civil, administrative, or other actions**
22 **within any territory served by its sewer systems or treatment facilities and against any**
23 **municipality, subdistrict, district, or industrial user who shall directly or indirectly**

24 discharge sewage or permit discharge of sewage into the district's sewer system or
25 treatment facilities.

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

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

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

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

23 jurisdiction in all cases or questions arising out of the organization or operations of the
24 district, or from the acts of the board of trustees.

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

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

38 5. The board of trustees may refuse to receive any wastes into the sewage system
39 which do not meet relevant state or federal water pollution, solid waste, or pretreatment
40 standards.

41 6. The board of trustees shall have all of the powers necessary and convenient to
42 provide for the operation, maintenance, administration, and regulation, including the
43 adoption of rules and regulations, of any individual home sewage or business treatment
44 systems within the jurisdiction of the common sewer district. The board of trustees shall
45 have the authority to declare the violation of any of its rules and regulations to be a
46 misdemeanor punishable as provided by law, or to declare violation of any of its rules and
47 regulations punishable by imposition of a civil fine not to exceed one thousand dollars per
48 day payable to the common sewer district, in addition to any other civil remedy which may
49 be available at law or in equity.

50 7. The board of trustees shall have all of the powers necessary and convenient to
51 provide for the operation and maintenance of its treatment facilities and the
52 administration, regulation, and enforcement of its pretreatment program, including the
53 adoption of rules and regulations, to carry out its powers with respect to all municipalities,
54 subdistricts, districts, and industrial users which discharge into the collection system of the
55 district's sewer system or treatment facilities. These powers include, but are not limited
56 to:

- 57 (1) The promulgation of any rule, regulation, or ordinance;
58 (2) The issuance, modification, or revocation of any order;

59 (3) The issuance, modification, or revocation of any permit;

60 (4) The levying of a civil administrative fine upon any industrial user in violation
61 of the district's rules, regulations, and ordinances, or any permit or order issued
62 thereunder, in an amount not to exceed one thousand dollars per violation per day;

63 (5) Commencing an action through counsel for appropriate legal or equitable relief
64 in the circuit court which decreed the district's incorporation against any industrial user
65 in violation of the district's rules, regulations, and ordinances or any permit or order issued
66 thereunder; and

67 (6) Petitioning the prosecutor for the county in which any criminal violation of the
68 district's rules, regulations, ordinances, or any permit or order issued thereunder has
69 occurred to institute criminal proceedings.

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

75 9. Any person who knowingly makes any false statements, representations, or
76 certifications in any application, record, report, plan, or other document filed or required
77 to be maintained under the district's rules, regulations, ordinances, or wastewater permit,
78 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or
79 method required under the district's rules, regulations, or ordinances shall, upon
80 convictions, be fined not more than one thousand dollars per violation per day. In the
81 event of a second violation, the person shall be fined not to exceed three thousand dollars
82 per violation per day. Third or subsequent violations of this subsection are punishable as
83 a class D felony.

84 10. Whenever any reference is made in this section to any action that may be taken
85 by the board of trustees, such reference includes such action by its executive officer under
86 powers and duties delegated to such executive officer by the board of trustees.

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

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

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

204.622. 1. The board of trustees for the reorganized common sewer district shall
2 **let contracts for all work to be done, excepting in case of repairs or emergencies requiring**
3 **prompt attention, in the construction of sewers and sewage treatment plants, the expense**
4 **of which will exceed twenty-five thousand dollars, to the lowest responsible bidder**
5 **therefor, upon not less than twenty days' notice of the letting, given by publication in a**
6 **newspaper of general circulation in the district. The board shall have the power and**
7 **authority to reject any and all bids and readvertise the work.**

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

204.624. The cost of any reorganized common sewer district of acquiring,
2 **constructing, improving or extending a sewerage system may be met:**

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

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

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

11 **(4) From the proceeds of general obligation bonds of the reorganized common**

12 sewer district, payable solely from voter approved property taxes as provided for by law;

13 (5) From the proceeds of special obligation bonds of the reorganized common sewer
14 district, payable solely from special fees or other revenues received by the district pledged
15 for the purposes of payment of such bonds; or

16 (6) From the proceeds of user fees, charges, or other imposition for facilities and
17 services provided by the district to its customers and users or the availability of services
18 provided to persons, users, and customers within the district or who otherwise benefit from
19 services provided by the district.

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

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

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

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

19 5. The bonds and the coupons to be attached thereto, if any, shall be signed in such
20 manner and by such officers as may be directed by resolution. Bonds signed by an officer
21 who shall hold the office at the time the bonds are signed shall be deemed validly and
22 effectually signed for all purposes, regardless of whether any officer shall cease to hold
23 office prior to the delivery of the bonds and regardless of whether any officer shall have
24 held or shall not have held such office on the date ascribed to the bonds.

25 6. The bonds shall be sold in such manner and upon such terms as the board of
26 trustees of the reorganized common sewer district shall determine, but the bonds shall not
27 be sold for less than ninety cents on the dollar, nor shall they be sold at such a price that
28 the interest cost upon the actual proceeds of the bonds from the date thereof to their

29 maturity shall exceed a rate in accordance with section 108.170, RSMo. The resolution
30 may provide that certain bonds authorized thereby shall be junior or subordinate in any
31 or all respects to other revenue bonds authorized concurrently therewith or prior to or
32 after such bonds.

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

204.630. It shall be the duty of any reorganized common sewer district which issues
2 any general or special revenue bonds under the RCSDA:

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

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

8 (3) To provide funds ample to meet all valid and reasonable requirements of the
9 resolution by which the revenue bonds have been issued.

10 The rates shall be from time to time revised so as fully to meet the requirements of the
11 RCSDA. As long as any bond so issued or the interest thereon shall remain outstanding
12 and unpaid, rates and charges sufficient to meet the requirements of this section shall be
13 maintained and collected by the reorganized common sewer district which issued the
14 bonds.

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

6 2. The term "net revenues" shall be construed to mean all income and revenues
7 derived from the ownership and operation of the system less the actual and necessary
8 expenses of operation and maintenance of the system.

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

204.634. 1. The resolution of the board of trustees of the reorganized common
2 sewer district authorizing the issuance of revenue bonds under the RCSDA may provide
3 that periodic allocations of the revenues to be derived from the operation of the system for
4 the benefit of which the bonds are issued shall be made into such accounts, separate and
5 apart from any other accounts of the district, as shall be deemed to be advisable to assure
6 the proper operation and maintenance of the system and the prompt payment of the
7 indebtedness chargeable to the revenues of the system. The accounts may include, but shall
8 not be limited to:

9 (1) An account for the purpose of providing funds for the operation and
10 maintenance of the system;

11 (2) An account to provide funds for the payment of the bonds as to principal and
12 interest as they come due;

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

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

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

20 (6) An account to provide for the accumulation of funds for the construction of

21 extensions and improvements to the system; and

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

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

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

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

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

204.650. 1. Sections 204.650 to 204.670 shall be known and may be cited as the
2 "Sanitary Sewer Improvement Area Act".

3 2. As used in sections 204.650 to 204.670, the following terms mean:

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

7 (2) "Assess" or "assessment", a unit of measure to allocate the cost of an
8 improvement among property or properties within a sanitary sewer improvement area

9 based upon an equitable method of determining benefits to any such property resulting
10 from an improvement;

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

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

24 (5) "District" or "common sewer district", any public sanitary sewer district or
25 reorganized common sewer district established and existing under this chapter or chapter
26 249, RSMo, and any metropolitan sewer district organized under the constitution of this
27 state;

28 (6) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair,
29 install, equip, extend, or to otherwise perform any work which will provide a new sanitary
30 sewer facility or enhance, extend, or restore the value or utility of an existing sanitary
31 sewer facility;

32 (7) "Improvement", any one or more sanitary sewer facilities or improvements
33 which confer a benefit on property within a definable area and may include or consist of
34 a reimprovement of a prior improvement. Improvements include, but are not limited to,
35 the following activities:

36 (a) To acquire property or interests in property when necessary or desirable for
37 any purpose authorized by the SSIAA;

38 (b) To improve sanitary sewers, wastewater treatment plants, lagoons, septic tanks
39 and systems, and any and all other sanitary sewer and waste water collection and
40 treatments systems of any type, whether located on improved or unimproved public or
41 private property, the general object and nature of which will either preserve, maintain,
42 improve or promote the general public health, safety and welfare, or the environment,
43 regardless of technology used;

44 (8) "Sanitary sewer improvement area", an area of a district with defined limits

45 and boundaries which is created by petition under the SSIAA and which is benefited by
46 an improvement and subject to assessments against the real property therein for the cost
47 of the improvement;

48 (9) "User fee", a fee established and imposed by a district for payment of an
49 assessment in periodic installments to pay for improvements made in a sanitary sewer
50 improvement area which benefit the property within such area that is subject to the
51 assessment.

204.652. As an alternative to all other methods provided by law or charter, the
2 board of trustees of any sewer district or reorganized sewer district organized and
3 operated under this chapter or chapter 249, RSMo, or any metropolitan sewer district
4 organized under the constitution of this state, may make, or cause to be made,
5 improvements which confer a benefit upon property within a sanitary sewer improvement
6 area under the SSIAA. The board of trustees of such district may incur indebtedness and
7 issue temporary notes and general or special revenue bonds under the SSIAA to pay for
8 all or part of the cost of such improvements. An improvement may be combined with one
9 or more other improvements for the purpose of issuing a single series of general or special
10 revenue bonds to pay all or part of the cost of the area's improvements, but separate funds
11 or accounts shall be established within the records of the district for each improvement
12 project as provided in the SSIAA. Such district shall make assessments and may impose
13 user fees on the property deemed by the board of trustees to be benefited by each such
14 improvement project under the SSIAA in addition to any other fees or charges imposed
15 by the district for provision of services or payment of debt. The district shall use the
16 moneys collected from such assessments and user fees to reimburse the district for all
17 amounts paid or to be paid by it as principal of and interest on its temporary notes and
18 general or special revenue bonds issued for such improvements.

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

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

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

27 3. The boundaries of the proposed area shall be described by metes and bounds,
28 streets or other sufficiently specific description.

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

204.658. 1. After the board of trustees has made the findings specified in the
2 SSIAA and plans and specifications for the proposed improvements have been prepared,
3 the board of trustees shall, by ordinance or resolution, order assessments to be made
4 against each parcel of real property deemed to be benefited by an improvement based on
5 the revised estimated cost of the improvement or, if available, the final cost thereof, and
6 shall order a proposed assessment roll to be prepared.

7 2. The plans and specifications for the improvement and the proposed assessment
8 roll shall be filed with the district and shall be open for public inspection. Such district
9 shall thereupon, at the direction of the board of trustees, publish notice that the board of

10 trustees will conduct a hearing to consider the proposed improvement and proposed
11 assessments. Such notice shall be published in a newspaper of general circulation at least
12 once not more than twenty days before the hearing and shall state the project name for the
13 improvement, the date, time, and place of such hearing, the general nature of the
14 improvement, the revised estimated cost or, if available, the final cost of the improvement,
15 the boundaries of the sanitary sewer improvement area to be assessed, and that written or
16 oral objections will be considered at the hearing. At the same time, the district shall mail
17 to the owners of record of the real property made liable to pay the assessments, at their last
18 known post office address, a notice of the hearing and a statement of the cost proposed to
19 be assessed against the real property so owned and assessed. The failure of any owner to
20 receive such notice shall not invalidate the proceedings.

204.660. 1. At the hearing to consider the proposed improvements and assessments,
2 the board of trustees or their designated representative shall hear and pass upon all
3 objections to the proposed improvements and proposed assessments, if any, and may
4 amend the proposed improvements, and the plans and specifications therefor, or
5 assessments as to any property, and thereupon by ordinance or resolution the board of
6 trustees shall order that the improvement be made and direct that financing for the cost
7 thereof be obtained as provided in the SSIAA.

8 2. After the improvement has been completed in accordance with the plans and
9 specifications therefor, the board of trustees shall compute the final costs of the
10 improvement and apportion the costs among the property benefited by such improvement
11 in such equitable manner as the board of trustees shall determine, charging each tract, lot
12 or parcel of property with its proportionate share of the costs, and by resolution or
13 ordinance, assess the final cost of the improvement, or the amount of general or special
14 revenue bonds issued or to be issued to pay for the improvement, as special assessments
15 against the property described in the assessment roll.

16 3. After the passage or adoption of the ordinance or resolution assessing the special
17 assessments, the district shall mail a notice to each property owner within the district
18 which sets forth a description of each tract, lot, or parcel of real property to be assessed
19 which is owned by such owner, the assessment assigned to such property, and a statement
20 that the property owner may pay such assessment in full, together with interest accrued
21 thereon from the effective date of such ordinance or resolution, on or before a specified
22 date determined by the effective date of the ordinance or resolution, or may pay such
23 assessment in the form of user fees in periodic installments as provided in subsection 4 of
24 this section. Notice of each assessment and imposition of the assessment lien together with
25 a legal description for each property assessed within the area shall be filed with the

26 recorder of deeds upon the effective date of the ordinance or resolution, but failure to
27 timely record any such notice shall not affect the validity of the assessments or liens
28 thereunder. The district shall record written notice of release of lien whenever an
29 assessment is paid in full; the cost of recording assessment notices and release of liens shall
30 be included in the assessment.

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

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

204.662. No suit to set aside the assessments made under the SSIAA or to otherwise
2 question the validity of the proceedings relating thereto shall be brought after the
3 expiration of ninety days from the date of mailing of notice to the last known owners of
4 record of the assessments required by the SSIAA.

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

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

204.666. An assessment authorized under the SSIAA, once determined and
2 imposed, shall constitute a lien against such property until paid in full and shall not be

3 affected by the existence or enforcement of any other liens or encumbrances, nor shall
4 enforcement of an assessment lien have any effect on the validity or enforcement of any tax
5 lien or lien established by mortgage or deed of trust. An assessment lien becomes
6 delinquent when an assessment is not paid in full as prescribed by the SSIAA or when one
7 or more periodic installments imposed by the district for an assessment remain unpaid for
8 a period of thirty days or more after notice of delinquency in payment is mailed to the last
9 known owners of the property subject to assessment by regular United States mail and by
10 certified mail, return receipt requested, at their last known address provided by such
11 owners to the district and to the occupant of property which is subject to assessment, if
12 different from that of the owners. In the event any such user fee remains unpaid after
13 thirty days of the mailing of any such notice, and in addition to any other remedy the
14 district may have by statute or duly enacted regulation for the collection of delinquent
15 amounts owed to the district, the district shall be entitled to petition the circuit court
16 having jurisdiction to foreclose upon the assessment lien by special execution sale of the
17 property subject to the assessment for the unpaid assessment plus reasonable attorney's
18 fees, court costs, and other reasonable costs incurred by the district in collection. In any
19 such suit, the district shall name all parties appearing of record to have or claim an interest
20 in the property subject to the unpaid assessment and shall file a notice of lis pendens in
21 connection with the action; in addition, the district may obtain a judgment against last
22 known owners of the property for any deficiency in payment of the assessment and costs
23 and fees made a part of the court's judgment.

204.668. After an improvement has been authorized under the SSIAA, the board
2 of trustees of the district may issue temporary notes of the district to pay the costs of such
3 improvement in an amount not to exceed the estimated cost of such improvement, and such
4 temporary notes may be issued in anticipation of issuance of general or special revenue
5 bonds of the district. The district may participate in any governmentally sponsored bond
6 pooling program or other bond program. Bonds may be issued and made payable from
7 general revenues of the area or district, or from special revenues from designated
8 properties within an area.

204.670. A separate fund or account shall be created by the district for each
2 improvement project and each such fund or account shall be identified by a suitable title.
3 The proceeds from the sale of bonds and temporary notes and any other moneys
4 appropriated thereto by the board of trustees of the district shall be credited to such funds
5 or accounts. Such funds or accounts shall be used solely to pay the costs incurred in
6 making each respective improvement. Upon completion of an improvement, the balance
7 remaining in the fund or account established for such improvement, if any, may be held

8 as contingent funds for future improvements or may be credited against the amount of the
9 original assessment of each parcel of property, on a pro rata basis based on the amount of
10 the original assessment, and with respect to property owners that have prepaid their
11 assessments in accordance with the SSIAA, the amount of each such credit shall be
12 refunded to the appropriate property owner, and with respect to all other property owners,
13 the amount of each such credit shall be transferred and credited to the district bond and
14 interest fund to be used solely to pay the principal of and interest on the bonds or
15 temporary notes and the assessments shall be reduced accordingly by the amount of such
16 credit.

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