

SECOND REGULAR SESSION

HOUSE BILL NO. 1773

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AMATO.

4087H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 249.255 and 249.645, RSMo, and to enact in lieu thereof two new sections relating to notice of unpaid sewer charges.

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

Section A. Sections 249.255 and 249.645, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 249.255 and 249.645, to read as follows:

249.255. 1. Should a public sewer district created and organized pursuant to
2 constitutional or statutory authority place a lien upon a customer's property for unpaid sewer
3 charges, the lien, once properly recorded, shall have priority above all liens except for those
4 taxes levied for state and county purposes.

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

249.645. 1. Any public sewer district created under the provisions of sections
2 249.430 to 249.660 or established pursuant to Article VI, Section 30(a) of the Missouri
3 Constitution may establish, make and collect charges for sewage services, including tap-on
4 fees. The charges may be set as a flat fee or based upon the amount of water supplied to the
5 premises and shall be in addition to those charges which may be levied and collected for
6 maintenance, repair and administration expenses as provided for in section 249.640. Any

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.

7 private water company, public water supply district, or municipality supplying water to the
8 premises located within a sewer district shall, upon reasonable request, make available to
9 such sewer district its records and books so that such sewer district may obtain therefrom such
10 data as may be necessary to calculate the charges for sewer service. Prior to establishing any
11 such sewer charges, public hearings shall be held thereon and at least thirty days' notice shall
12 be given thereof.

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

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

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

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