

SECOND REGULAR SESSION

HOUSE BILL NO. 2843

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALES.

5800H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to lateral sewer service line repair fees.

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Section A. Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows: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

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 of the condominium owner or condominium association who are of the opinion that they are
19 not properly classified as provided in this section to notify the county office administering the
20 program. Where an existing sewer lateral program was in effect prior to August 28, 2003,
21 condominium and apartment units not previously enrolled may be ineligible for enrollment if
22 it is determined that the sewer lateral 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] **one hundred** dollars be
25 assessed annually on residential property for each lateral sewer service
26 line serving six or less dwelling units on that property and
27 condominiums that have six or less condominium units per building
28 and any condominium responsible for its own individual lateral sewer
29 line to provide funds to pay the cost of certain repairs of those lateral
30 sewer service lines which may be billed quarterly or annually?

31 YES

NO

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

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