



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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OPINION LETTER NO. 286

Honorable Hardin C. Cox
Representative, 6th District
605 Bluff Street
Rock Port, Missouri 64482

Dear Representative Cox:

This letter is in response to your question asking:

"What authority does the county court of a third class county have to enforce the provisions of sections 260.200 to 260.245, RSMo Supp. 1973 (solid waste disposal) by requiring mandatory county wide collection and imposing mandatory charges; more specifically, can a county court of a third class county issue an enforceable court order requiring people in a subdivision located in an unincorporated area of the county to submit to mandatory solid waste collection and to pay a mandatory collection fee therefor? If so, how would such an order be enforced?"

Section 260.215, RSMo Supp. 1973, provides in pertinent part:

"1. Except as provided in subsection 2, each city and each county or a combination of cities and counties shall provide individually or collectively for the collection and disposal of solid wastes within its boundaries; shall be responsible for implementing their approved plan required by section 260.220 as it relates to the storage, collection, transportation, processing, and disposal

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of their solid wastes; and may purchase all necessary equipment, acquire all necessary land, build any necessary buildings, incinerators, transfer stations, or other structures, lease or otherwise acquire the right to use land or equipment. Each city and county, including those affected by the provisions of subsection 2, may levy and collect charges for services, and may levy an annual tax not to exceed ten cents on the one hundred dollars assessed valuation, as authorized by article X, section 11(c), of the constitution for public health purposes to implement a plan for solid waste management, and to do all other things necessary to provide for a proper and effective solid waste management system; except that, the county may not levy a service charge or annual tax upon the inhabitants of any incorporated city, town or village that has an approved plan for solid waste management, unless the city, town or village contracts with the county for solid waste management and consents to the county service charge or tax levy. The tax or service charge authorized by this section shall not be levied if the tax or service charge is levied pursuant to some other provision of law, but if a tax is levied for the operation of a sanitary landfill and such tax is less than the maximum amount authorized by this section, a tax in an amount equal to the difference between such tax and that authorized in this section may be levied and collected." (Emphasis added.)

Thus, in answer to your question, the legislature has given the county express authority to levy service charges in such areas. Such debts may be collected if necessary in a court of proper jurisdiction.

Very truly yours,



JOHN C. DANFORTH
Attorney General