



OFFICE OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

September 19, 1972

OPINION LETTER NO. 246

Honorable Richard E. Martin
State Representative
912 Corby Building
St. Joseph, Missouri 64501

Dear Representative Martin:

This letter is in response to your opinion request in which you ask:

"Does a sewer district organized under the provision of Sec. 249.760 to 249.810 R.S.M.O. have the authority to furnish fire protection to the property within the area of the sewer district? If it does have that authority, does it have the further authority of contracting with an adjoining city so that the city furnishes fire protection to the sewer district in return for proper payment by the sewer district?"

Our examination of the sections relating to such sewer districts reveals no express authority for the furnishing of fire protection by such a district and in our view none can be implied.

The question has also been raised as to whether subsection 1 of Section 249.777, RSMo 1969, contains such authority. Subsection 1 provides:

"A sewer district organized under the provisions of sections 249.760 to 249.810 is a political subdivision of the state and as such has the same rights and privileges and is subject to the same legal restrictions as are other similar political subdivisions."

Honorable Richard E. Martin

This subsection, in our view, is standard legislative phraseology which concerns only the rights and privileges of the sewer district as a political subdivision and clearly does not confer power to provide a service, such as fire protection service, which is not otherwise authorized by the statutes.

Our answer to your question is therefore that a sewer district organized under the provisions of Sections 249.760 to 249.810, RSMo, does not have the authority to furnish fire protection service to the property within the area of the sewer district.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General