

FIRST REGULAR SESSION

SENATE BILL NO. 506

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN AND KLINDT.

Read 1st time February 19, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1970L.011

AN ACT

To amend chapter 262, RSMo, by adding thereto four new sections relating to the farmland protection act.

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

Section A. Chapter 262, RSMo, is amended by adding thereto four new sections, to be known as sections 262.800, 262.802, 262.805 and 262.810, to read as follows:

262.800. Sections 262.800 to 262.810 shall be known and may be cited as the "Farmland Protection Act". The purpose of the farmland protection act shall be to:

- (1) Protect agricultural, horticultural and forestry land;**
- (2) Promote continued economic viability of agriculture, horticulture and forestry as a business;**
- (3) Promote the continued economic viability of those businesses dependent on providing materials, equipment and services to agriculture, horticulture and forestry; and**
- (4) Promote quality of life in the agriculture community.**

262.802. 1. This state or any political subdivision of this state shall hold water and sewer assessments in abeyance, without interest, until improvements on such property are connected to the water or sewer system for which the assessment was made.

2. The provisions of this section shall apply only to tracts of real property:

- (1) Comprised of ten or more contiguous acres; and**
- (2) Used as agricultural or single-family residential property, or both; and**
- (3) Not in a platted subdivision.**

3. At the time improvements on such property are connected to the water or

sewer system, the owner shall pay to the political subdivision an amount equal to the proportionate charge for the number of system lines connected to improvements on such property.

4. The owner shall not be charged based on the total cost of running the water or sewer assessments to or across the owner's real property. Rather, the assessment shall be based on:

- (1) A reasonable hookup charge; and**
- (2) A proportionate charge for the number of improvements requested to be connected to such assessments in relation to the total capacity of the system; and**
- (3) The anticipated proportionate burden to the system.**

5. The period of abeyance shall end when the owner exercises the option to connect to the improvements for which the assessment was made.

6. When the period of abeyance ends, the assessment is payable in accordance with the terms set forth in the assessment resolution, so long as such terms are not inconsistent with sections 262.800 to 262.810. To the extent that such terms are inconsistent, the provisions of sections 262.800 to 262.810 shall control.

7. All statutes of limitation shall be suspended during the time that any assessment is held in abeyance without interest.

8. The political subdivision responsible for assessments shall notify the owner of the amount proposed to be charged and the terms of payment for each improvement requested to be connected to such assessment. The notice shall:

- (1) Be provided in writing to the owner at the address provided by the owner as the address for receiving receipt of notice;**
- (2) Be sent by certified mail, return receipt requested within forty-five days of receipt of the request for hookup from the owner;**
- (3) State in the body of the letter as follows: "As owners of the property proposed to be assessed, you have thirty days from the date of receipt of this notice to accept, in writing, the amount of the assessment stated herein or to dispute the amount by filing an action in the circuit court of the county where the real property is located."**

9. If the owner disputes the amount of assessment when the period of abeyance ends, the owner may file an action disputing the amount of the assessment to the circuit court of the county in which the real property subject to the assessment is located within thirty days of the receipt of the notice.

10. Nothing in this section shall be construed as diminishing the authority of counties to hold assessments in abeyance.

11. The provisions of this section shall not apply to rural water supply districts formed by small rural communities as defined by the clean water commission for

purposes of chapter 644, RSMo, except that a rural water supply district shall not require payment from landowners whose property is crossed to service another tract of land until the owner of such property crossed requests connection to the rural water supply district.

262.805. The following notice shall be given to purchasers of property located within one-half mile of property used for agriculture or farming purposes prior to the time of final sale:

"You have purchased property that is located within one-half mile of an agricultural operation. Agriculture operations are commercial operations that include, but are not limited to, the following: breeding and rearing of livestock, weaning and treating of livestock, raising and harvesting crops, application of fertilizers and pesticides, dust, noise, odors, gunfire, burning, extended hours of operation, seasonal operations, timber operations, cultivated and idle land.

Agriculture operations typically consist of open and timbered spaces (private property) that are not open to the public or to public access. Agriculture operations contain many hazards, including but not limited to, open water (ponds, streams, etc.), open pits, brush, brush piles, snakes, untamed and unpredictable animals, electric and barbed fences, storage buildings and structures, tractors and equipment, and hidden obstacles. Children and adults are not permitted to roam or play (trespass) on farm property."

262.810. Property subject to the farmland protection act shall not be taken in whole or in part by any political subdivision of this state by eminent domain except after a public hearing pursuant to chapter 610, RSMo.

T
Copy