

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 572

AN ACT

To repeal sections 67.287, 67.398, 67.402, 67.451, 79.490, 80.570, 304.190, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof twenty-six new sections relating to municipalities, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 67.287, 67.398, 67.402, 67.451, 79.490,  
2 80.570, 304.190, 479.020, 479.350, 479.353, 479.359, 479.360, and  
3 479.368, RSMo, are repealed and twenty-six new sections enacted  
4 in lieu thereof, to be known as sections 67.287, 67.398, 67.402,  
5 67.451, 71.980, 77.700, 77.703, 77.706, 77.709, 77.712, 77.715,  
6 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, 82.148,  
7 304.190, 479.020, 479.350, 479.353, 479.359, 479.360, and  
8 479.368, to read as follows:

9           67.287. 1. As used in this section, the following terms  
10 mean:

11           (1) "Minimum standards", adequate and material provision of

1 each of the items listed in subsection 2 of this section;

2 (2) "Municipality", any city, town, or village located in  
3 any county with a charter form of government and with more than  
4 nine hundred fifty thousand inhabitants;

5 (3) "Peace officer", any peace officer as defined in  
6 section 590.010 who is licensed under chapter 590.

7 2. Every municipality shall meet the following minimum  
8 standards within three years of August 28, 2015, by providing the  
9 following municipal services, financial services, and reports,  
10 except that the provision of subdivision (6) of this subsection  
11 shall be completed within six years:

12 (1) A balanced annual budget listing anticipated revenues  
13 and expenditures, as required in section 67.010;

14 (2) An annual audit by a certified public accountant of the  
15 finances of the municipality that includes a report on the  
16 internal controls utilized by the municipality [and prepared by a  
17 qualified financial consultant that are implemented] to prevent  
18 misuse of public funds. The municipality also shall include its  
19 current procedures that show compliance with or reasonable  
20 exceptions to the recommended internal controls;

21 (3) A cash management and accounting system that accounts  
22 for all revenues and expenditures;

23 (4) Adequate levels of insurance to minimize risk to  
24 include:

25 (a) General liability coverage;

26 (b) If applicable, liability coverage with endorsements to  
27 cover emergency medical personnel and paramedics;

28 (c) If applicable, police professional liability coverage;

1 (d) Workers compensation benefits for injured employees  
2 under the provisions of chapter 287; and

3 (e) Bonds for local officials as required by section  
4 77.390, 79.260, 80.250, or local charter;

5 (5) Access to a complete set of ordinances adopted by the  
6 governing body available to the public within ten business days  
7 of a written request. An online version of the regulations or  
8 code shall satisfy this requirement for those ordinances that are  
9 codified;

10 (6) If a municipality has a police department or contracts  
11 with another police department for public safety services, a  
12 police department accredited or certified by the Commission on  
13 Accreditation for Law Enforcement Agencies or the Missouri Police  
14 Chiefs Association or a contract for police service with a police  
15 department accredited or certified by such entities;

16 (7) Written policies regarding the safe operation of  
17 emergency vehicles, including a policy on police pursuit;

18 (8) Written policies regarding the use of force by peace  
19 officers;

20 (9) Written general orders for a municipal police  
21 department unless contracting with another municipality or county  
22 for police services;

23 (10) Written policies for collecting and reporting all  
24 crime and police stop data for the municipality as required by  
25 law. Such policies shall be forwarded to the attorney general's  
26 office;

27 (11) Construction code review by existing staff, directly  
28 or by contract with a public or private agency. The provisions

1 of this subdivision shall not require the municipality to adopt  
2 an updated construction code; and

3 (12) Information published annually on the website of the  
4 municipality indicating how the municipality met the standards in  
5 this subsection. If there is no municipal website, the  
6 information shall be submitted to the county for publication on  
7 its website, if it has a website.

8 3. If any resident of a municipality has belief or  
9 knowledge that such municipality has failed to ensure that the  
10 standards listed in subsection 2 of this section are regularly  
11 provided and are likely to continue to be provided, he or she may  
12 make an affidavit before any person authorized to administer  
13 oaths setting forth the facts alleging the failure to meet the  
14 required standards and file the affidavit with the attorney  
15 general. It shall be the duty of the attorney general, if, in  
16 his or her opinion, the facts stated in the affidavit justify, to  
17 declare whether the municipality is operating below minimum  
18 standards, and if it is, the municipality shall have sixty days  
19 to rectify the deficiencies in services noted by the attorney  
20 general. If after sixty days the municipality is still deemed by  
21 the attorney general to have failed to rectify sufficient minimum  
22 standards to be in compliance with those specified by subsection  
23 2 of this section, the attorney general may file suit in the  
24 circuit court of the county. If the court finds that the  
25 municipality is not in compliance with the minimum standards  
26 specified in subsection 2 of this section, the circuit court of  
27 the county shall order the following remedies:

28 (1) Appointment of an administrative authority for the

1 municipality including, but not limited to, another political  
2 subdivision, the state, or a qualified private party to  
3 administer all revenues under the name of the municipality or its  
4 agents and all funds collected on behalf of the municipality. If  
5 the court orders an administrative authority to administer the  
6 revenues under this subdivision, it may send an order to the  
7 director of revenue or other party charged with distributing tax  
8 revenue, as identified by the attorney general, to distribute  
9 such revenues and funds to the administrative authority who shall  
10 use such revenues and existing funds to provide the services  
11 required under a plan approved by the court. The court shall  
12 enter an order directing all financial and other institutions  
13 holding funds of the municipality, as identified by the attorney  
14 general, to honor the directives of the administrative authority;

15 (2) If the court finds that the minimum standards specified  
16 in subsection 2 of this section still are not established at the  
17 end of ninety days from the time the court finds that the  
18 municipality is not in compliance with the minimum standards  
19 specified in subsection 2 of this section, the court may either  
20 enter an order disincorporating the municipality or order placed  
21 on the ballot the question of whether to disincorporate the  
22 municipality as provided in subdivisions (1), (2), (4), and (5)  
23 of subsection 3 of section 479.368. The court also shall place  
24 the question of disincorporation on the ballot as provided by  
25 subdivisions (1), (2), (4), and (5) of subsection 3 of section  
26 479.368 if at least twenty percent of the registered voters  
27 residing in the subject municipality or forty percent of the  
28 number of voters who voted in the last municipal election,

1 whichever is lesser, submit a petition to the court while the  
2 matter is pending, seeking disincorporation. The question shall  
3 be submitted to the voters in substantially the following form:

4 The city/town/village of ..... has failed to meet  
5 minimum standards of governance as required by law. Shall the  
6 city/town/village of ..... be dissolved?

7  YES  NO

8  
9 If electors vote to disincorporate, the court shall determine the  
10 date upon which the disincorporation shall occur, taking into  
11 consideration a logical transition.

12 4. The court shall have ongoing jurisdiction to enforce its  
13 orders and carry out the remedies in subsection 3 of this  
14 section.

15 67.398. 1. The governing body of any city or village, or  
16 any county having a charter form of government, or any county of  
17 the first classification that contains part of a city with a  
18 population of at least three hundred thousand inhabitants, may  
19 enact ordinances to provide for the abatement of a condition of  
20 any lot or land that has the presence of a nuisance including,  
21 but not limited to, debris of any kind, weed cuttings, cut,  
22 fallen, or hazardous trees and shrubs, overgrown vegetation and  
23 noxious weeds which are seven inches or more in height, rubbish  
24 and trash, lumber not piled or stacked twelve inches off the  
25 ground, rocks or bricks, tin, steel, parts of derelict cars or  
26 trucks, broken furniture, any flammable material which may  
27 endanger public safety or any material or condition which is  
28 unhealthy or unsafe and declared to be a public nuisance.

1           2. The governing body of any home rule city with more than  
2 four hundred thousand inhabitants and located in more than one  
3 county may enact ordinances for the abatement of a condition of  
4 any lot or land that has vacant buildings or structures open to  
5 entry.

6           3. [Any ordinance authorized by this section may provide  
7 that if the owner fails to begin removing or abating the nuisance  
8 within a specific time which shall not be less than seven days of  
9 receiving notice that the nuisance has been ordered removed or  
10 abated, or upon] Any ordinance authorized by this section shall  
11 provide for service to the owner of the property and, if the  
12 property is not owner-occupied, to any occupant of the property  
13 of a written notice specifically describing each condition of the  
14 lot or land declared to be a public nuisance, and which notice  
15 shall identify what action will remedy the public nuisance.  
16 Unless a condition presents an immediate, specifically identified  
17 risk to the public health or safety, the notice shall provide a  
18 reasonable time, not less than ten days, in which to abate or  
19 commence removal of each condition identified in the notice.  
20 Written notice may be given by personal service or by first-class  
21 mail to both the occupant of the property at the property address  
22 and the owner at the last known address of the owner, if not the  
23 same. Upon a failure of the owner to pursue the removal or  
24 abatement of such nuisance without unnecessary delay, the  
25 building commissioner or designated officer may cause the  
26 condition which constitutes the nuisance to be removed or  
27 abated. If the building commissioner or designated officer  
28 causes such condition to be removed or abated, the cost of such

1 removal or abatement and the proof of notice to the owner of the  
2 property shall be certified to the city clerk or officer in  
3 charge of finance who shall cause the certified cost to be  
4 included in a special tax bill or added to the annual real estate  
5 tax bill, at the collecting official's option, for the property  
6 and the certified cost shall be collected by the city collector  
7 or other official collecting taxes in the same manner and  
8 procedure for collecting real estate taxes. If the certified  
9 cost is not paid, the tax bill shall be considered delinquent,  
10 and the collection of the delinquent bill shall be governed by  
11 the laws governing delinquent and back taxes. The tax bill from  
12 the date of its issuance shall be deemed a personal debt against  
13 the owner and shall also be a lien on the property from the date  
14 the tax bill is delinquent until paid.

15 67.402. 1. The governing body of the following counties  
16 may enact nuisance abatement ordinances as provided in this  
17 section:

18 (1) Any county of the first classification with more than  
19 one hundred thirty-five thousand four hundred but fewer than one  
20 hundred thirty-five thousand five hundred inhabitants;

21 (2) Any county of the first classification with more than  
22 seventy-one thousand three hundred but fewer than seventy-one  
23 thousand four hundred inhabitants;

24 (3) Any county of the first classification without a  
25 charter form of government and with more than one hundred ninety-  
26 eight thousand but fewer than one hundred ninety-nine thousand  
27 two hundred inhabitants;

28 (4) Any county of the first classification with more than



1 eighty-five thousand nine hundred but fewer than eighty-six  
2 thousand inhabitants;

3 (5) Any county of the third classification without a  
4 township form of government and with more than sixteen thousand  
5 four hundred but fewer than sixteen thousand five hundred  
6 inhabitants;

7 (6) Any county of the third classification with a township  
8 form of government and with more than fourteen thousand five  
9 hundred but fewer than fourteen thousand six hundred inhabitants;

10 (7) Any county of the first classification with more than  
11 eighty-two thousand but fewer than eighty-two thousand one  
12 hundred inhabitants;

13 (8) Any county of the first classification with more than  
14 one hundred four thousand six hundred but fewer than one hundred  
15 four thousand seven hundred inhabitants;

16 (9) Any county of the third classification with a township  
17 form of government and with more than seven thousand nine hundred  
18 but fewer than eight thousand inhabitants; [and]

19 (10) Any county of the second classification with more than  
20 fifty-two thousand six hundred but fewer than fifty-two thousand  
21 seven hundred inhabitants;

22 (11) Any county of the first classification with more than  
23 fifty thousand but fewer than seventy thousand inhabitants and  
24 with a county seat with more than two thousand one hundred but  
25 fewer than two thousand four hundred inhabitants;

26 (12) Any county of the first classification with more than  
27 sixty-five thousand but fewer than seventy-five thousand  
28 inhabitants and with a county seat with more than fifteen

1 thousand but fewer than seventeen thousand inhabitants.

2         2. The governing body of any county described in subsection  
3 1 of this section may enact ordinances to provide for the  
4 abatement of a condition of any lot or land that has the presence  
5 of rubbish and trash, lumber, bricks, tin, steel, parts of  
6 derelict motorcycles, derelict cars, derelict trucks, derelict  
7 construction equipment, derelict appliances, broken furniture, or  
8 overgrown or noxious weeds in residential subdivisions or  
9 districts which may endanger public safety or which is unhealthy  
10 or unsafe and declared to be a public nuisance.

11         3. Any ordinance enacted pursuant to this section shall:

12             (1) Set forth those conditions which constitute a nuisance  
13 and which are detrimental to the health, safety, or welfare of  
14 the residents of the county;

15             (2) Provide for duties of inspectors with regard to those  
16 conditions which may be declared a nuisance, and shall provide  
17 for duties of the building commissioner or designated officer or  
18 officers to supervise all inspectors and to hold hearings  
19 regarding such property;

20             (3) Provide for service of adequate notice of the  
21 declaration of nuisance, which notice shall specify that the  
22 nuisance is to be abated, listing a reasonable time for  
23 commencement, and may provide that such notice be served either  
24 by personal service or by certified mail, return receipt  
25 requested, but if service cannot be had by either of these modes  
26 of service, then service may be had by publication. The  
27 ordinances shall further provide that the owner, occupant,  
28 lessee, mortgagee, agent, and all other persons having an

1 interest in the property as shown by the land records of the  
2 recorder of deeds of the county wherein the property is located  
3 shall be made parties;

4 (4) Provide that upon failure to commence work of abating  
5 the nuisance within the time specified or upon failure to proceed  
6 continuously with the work without unnecessary delay, the  
7 building commissioner or designated officer or officers shall  
8 call and have a full and adequate hearing upon the matter before  
9 the county commission, giving the affected parties at least ten  
10 days' written notice of the hearing. Any party may be  
11 represented by counsel, and all parties shall have an opportunity  
12 to be heard. After the hearings, if evidence supports a finding  
13 that the property is a nuisance or detrimental to the health,  
14 safety, or welfare of the residents of the county, the county  
15 commission shall issue an order making specific findings of fact,  
16 based upon competent and substantial evidence, which shows the  
17 property to be a nuisance and detrimental to the health, safety,  
18 or welfare of the residents of the county and ordering the  
19 nuisance abated. If the evidence does not support a finding that  
20 the property is a nuisance or detrimental to the health, safety,  
21 or welfare of the residents of the county, no order shall be  
22 issued.

23 4. Any ordinance authorized by this section may provide  
24 that if the owner fails to begin abating the nuisance within a  
25 specific time which shall not be longer than seven days of  
26 receiving notice that the nuisance has been ordered removed, the  
27 building commissioner or designated officer shall cause the  
28 condition which constitutes the nuisance to be removed. If the

1 building commissioner or designated officer causes such condition  
2 to be removed or abated, the cost of such removal shall be  
3 certified to the county clerk or officer in charge of finance who  
4 shall cause the certified cost to be included in a special tax  
5 bill or added to the annual real estate tax bill, at the county  
6 collector's option, for the property and the certified cost shall  
7 be collected by the county collector in the same manner and  
8 procedure for collecting real estate taxes. If the certified  
9 cost is not paid, the tax bill shall be considered delinquent,  
10 and the collection of the delinquent bill shall be governed by  
11 the laws governing delinquent and back taxes. The tax bill from  
12 the date of its issuance shall be deemed a personal debt against  
13 the owner and shall also be a lien on the property from the date  
14 the tax bill is delinquent until paid.

15 5. Nothing in this section authorizes any county to enact  
16 nuisance abatement ordinances that provide for the abatement of  
17 any condition relating to agricultural structures or agricultural  
18 operations, including but not limited to the raising of livestock  
19 or row crops.

20 6. No county of the first, second, third, or fourth  
21 classification shall have the power to adopt any ordinance,  
22 resolution, or regulation under this section governing any  
23 railroad company regulated by the Federal Railroad  
24 Administration.

25 67.451. Any city in which voters have approved fees to  
26 recover costs associated with enforcement of municipal housing,  
27 property maintenance, or property nuisance ordinances may [issue  
28 a special tax bill against] include any unrecovered costs or

1 finances relating to the real property in the annual real estate tax  
2 bill for the property where such ordinance violations existed.  
3 Notwithstanding the last sentence of subsection 5 of section  
4 479.011, the officer in charge of finance shall cause the amount  
5 of unrecovered costs or unpaid fines which are delinquent for  
6 more than a year to be [included in a special tax bill or] added  
7 to the annual real estate tax bill for the property if such  
8 property is still owned by the person incurring the costs or  
9 finances [at the collecting official's option,] and the costs and  
10 finances shall be collected by the city collector or other official  
11 collecting taxes in the same manner and procedure for collecting  
12 real estate taxes. If the [cost is] costs and fines are not paid  
13 by December 31 of the year in which the costs and fines are  
14 included in the tax bill, the tax bill shall be considered  
15 delinquent, and the collection of the delinquent bill shall be  
16 governed by laws governing delinquent and back taxes. The tax  
17 bill shall be deemed a personal debt against the owner from the  
18 date of issuance, and shall also be a lien on the property from  
19 the date the tax bill becomes delinquent until paid.  
20 Notwithstanding any provision of the city's charter to the  
21 contrary, the city may provide, by ordinance, that the city may  
22 discharge all or any portion of the unrecovered costs or fines  
23 added pursuant to this section to the [special] tax bill upon a  
24 determination by the city that a public benefit will be gained by  
25 such discharge, and such discharge shall include any costs of tax  
26 collection, accrued interest, or attorney fees related to the  
27 [special] tax bill.

28 71.980. Notwithstanding any provision to the contrary, the

1 state shall not be held liable for the debts of a municipality  
2 that is financially insolvent. For purposes of this section, a  
3 municipality is financially insolvent if it is not paying its  
4 debts as they become due, unless such debts are the subject of a  
5 bona fide dispute, or is unable to pay its debts as they become  
6 due.

7 77.700. 1. The county governing body of any county in  
8 which a city of the third classification is located shall  
9 disincorporate the city as provided in sections 77.700 to 77.715.

10 2. The county governing body shall order an election upon  
11 the question of disincorporation of a city of the third  
12 classification upon petition of twenty-five percent of the voters  
13 of the city.

14 3. The county governing body shall give notice of the  
15 election by publication in a newspaper of general circulation  
16 published in the city or, if there is no such newspaper in the  
17 city, then in the newspaper in the county published nearest the  
18 city. The notice shall contain a copy of the petition and the  
19 names of the petitioners. No election on the question of  
20 disincorporation shall be held until the notice has been  
21 published for four weeks successively.

22 4. The question shall be submitted in substantially the  
23 following form:

24 Shall the city of . . . . . be  
25 dissolved?

26 5. Upon the affirmative vote of a majority of those  
27 persons voting on the question, the county governing body shall  
28 disincorporate the city.

1       77.703. No dissolution of the corporation shall invalidate  
2 or affect any right accruing to the corporation or to any person  
3 or invalidate or affect any contract entered into or imposed on  
4 the corporation.

5       77.706. Whenever the county governing body shall dissolve  
6 any city of the third classification, the county governing body  
7 shall appoint some competent person to act as trustee for the  
8 corporation so dissolved, and such trustee, before entering upon  
9 the discharge of his or her duties, shall take and subscribe an  
10 oath that he or she will faithfully discharge the duties of his  
11 or her office and shall give bond with sufficient security, to be  
12 approved by the governing body, to the use of such  
13 disincorporated city, conditioned for the faithful discharge of  
14 his or her duty.

15       77.709. The trustee shall have power to prosecute and  
16 defend to final judgment all suits instituted by or against the  
17 corporation, collect all moneys due the same, liquidate all  
18 lawful demands against the same, and for that purpose shall sell  
19 any property belonging to the corporation, or so much thereof as  
20 may be necessary, and generally to do all acts requisite to bring  
21 to a speedy close all the affairs of the corporation.

22       77.712. The trustee shall employ counsel whenever necessary  
23 in the discharge of his or her duties and shall make a report of  
24 the proceedings to the county governing body at each regular term  
25 thereof, and the trustee shall receive for his or her services  
26 such compensation as the governing body shall think reasonable.

27       77.715. When the trustee shall have closed the affairs of  
28 the corporation and shall have paid all debts due by the

1 corporation, he or she shall pay over to the county treasurer all  
2 money remaining in his or her hands, take receipt therefor, and  
3 deliver to the clerk of the county governing body all books,  
4 papers, records, and deeds belonging to the dissolved  
5 corporation.

6 79.490. 1. The county governing body of any county in  
7 which a city of the fourth class is located shall disincorporate  
8 such city as provided in this section.

9 2. The county governing body shall order an election upon  
10 the question of disincorporation of a fourth class city upon  
11 petition of [~~one-half~~] twenty-five percent of the voters of the  
12 city.

13 3. The county governing body shall give notice of the  
14 election by publication in a newspaper of general circulation  
15 published in the city or, if there is no such newspaper in the  
16 city, then in the newspaper in the county published nearest the  
17 city. The notice shall contain a copy of the petition and the  
18 names of the petitioners. No election on the question of  
19 disincorporation shall be held until the notice has been  
20 published for four weeks successively.

21 4. The question shall be submitted in substantially the  
22 following form:

23 Shall the city of . . . . . be  
24 dissolved?

25 5. Upon the affirmative vote of [~~sixty percent~~] a majority  
26 of those persons voting on the question, the county governing  
27 body shall disincorporate the city.

28 80.570. 1. The county governing body of each county shall



1 have power to disincorporate any town or village which they may  
2 have incorporated as provided in this section.

3 2. The county governing body shall order an election upon  
4 the question of disincorporation of a town or village upon  
5 petition of [~~one-half~~] twenty-five percent of the voters of the  
6 town or village.

7 3. The county governing body shall give notice of the  
8 election by publication in a newspaper of general circulation  
9 published in the town or village or, if there is no such  
10 newspaper in the town or village, then in the newspaper in the  
11 county published nearest the town or village. The notice shall  
12 contain a copy of the petition and the names of the petitioners.  
13 No election on the question of disincorporation shall be held  
14 until the notice has been published for eight weeks successively.

15 4. The question shall be submitted in substantially the  
16 following form as the case may be:

17 Shall the town of . . . . . be  
18 dissolved?; or

19 Shall the village of . . . . . be  
20 dissolved?

21 5. Upon the affirmative vote of [~~sixty percent~~] a majority  
22 of those persons voting on the question, the county governing  
23 body shall disincorporate the town or village.

24 6. Any county governing body may, in its discretion, on the  
25 application of any person or persons owning a tract of land  
26 containing five acres or more in a town or village, used only for  
27 agricultural purposes, to diminish the limits of such town or  
28 village by excluding any such tract of land from said corporate

1 limits; provided, that such application shall be accompanied by a  
2 petition asking such change and signed by a majority of the  
3 voters in such town or village. And thereafter such tract of  
4 land so excluded shall not be deemed or held to be any part of  
5 such town or village.

6 82.133. 1. The county governing body of any county in  
7 which a constitutional charter or home rule city is located shall  
8 disincorporate the city as provided in sections 82.133 to 82.145.

9 2. The county governing body shall order an election upon  
10 the question of disincorporation of a constitutional charter or  
11 home rule city upon petition of twenty-five percent of the voters  
12 of the city.

13 3. The county governing body shall give notice of the  
14 election by publication in a newspaper of general circulation  
15 published in the city or, if there is no such newspaper in the  
16 city, then in the newspaper in the county published nearest the  
17 city. The notice shall contain a copy of the petition and the  
18 names of the petitioners. No election on the question of  
19 disincorporation shall be held until the notice has been  
20 published for four weeks successively.

21 4. The question shall be submitted in substantially the  
22 following form:

23 Shall the city of . . . . . be  
24 dissolved?

25 5. Upon the affirmative vote of a majority of those  
26 persons voting on the question, the county governing body shall  
27 disincorporate the city.

28 82.136. No dissolution of the corporation shall invalidate

1 or affect any right accruing to the corporation or to any person,  
2 or invalidate or affect any contract entered into or imposed on  
3 the corporation.

4 82.139. Whenever the county governing body shall dissolve  
5 any constitutional charter or home rule city, the county  
6 governing body shall appoint some competent person to act as  
7 trustee for the corporation so dissolved, and the trustee, before  
8 entering upon the discharge of his or her duties, shall take and  
9 subscribe an oath that he or she will faithfully discharge the  
10 duties of the office and shall give bond with sufficient  
11 security, to be approved by the governing body, to the use of the  
12 disincorporated city, conditioned for the faithful discharge of  
13 the trustee's duty.

14 82.142. The trustee shall have power to prosecute and  
15 defend to final judgment all suits instituted by or against the  
16 corporation, collect all moneys due the same, liquidate all  
17 lawful demands against the same, and for that purpose shall sell  
18 any property belonging to the corporation, or so much thereof as  
19 may be necessary, and generally to do all acts requisite to bring  
20 to a speedy close all the affairs of the corporation.

21 82.145. The trustee shall employ counsel whenever necessary  
22 in the discharge of his or her duties and shall make a report of  
23 the proceedings to the county governing body at each regular term  
24 thereof, and the trustee shall receive for his or her services  
25 such compensation as the governing body shall think reasonable.

26 82.148. When the trustee shall have closed the affairs of  
27 the corporation, and shall have paid all debts due by the  
28 corporation, he or she shall pay over to the county treasurer all

1 moneys remaining in his or her hands, take receipt therefor, and  
2 deliver to the clerk of the county governing body all books,  
3 papers, records, and deeds belonging to the dissolved  
4 corporation.

5 304.190. 1. No motor vehicle, unladen or with load,  
6 operating exclusively within the corporate limits of cities  
7 containing seventy-five thousand inhabitants or more or within  
8 two miles of the corporate limits of the city or within the  
9 commercial zone of the city shall exceed fifteen feet in height.

10 2. No motor vehicle operating exclusively within any said  
11 area shall have a greater weight than twenty-two thousand four  
12 hundred pounds on one axle.

13 3. The "commercial zone" of the city is defined to mean  
14 that area within the city together with the territory extending  
15 one mile beyond the corporate limits of the city and one mile  
16 additional for each fifty thousand population or portion thereof  
17 provided, however:

18 (1) The commercial zone surrounding a city not within a  
19 county shall extend twenty-five miles beyond the corporate limits  
20 of any such city not located within a county and shall also  
21 extend throughout any county with a charter form of government  
22 which adjoins that city and throughout any county with a charter  
23 form of government and with more than two hundred fifty thousand  
24 but fewer than three hundred fifty thousand inhabitants that is  
25 adjacent to such county adjoining such city;

26 (2) The commercial zone of a city with a population of at  
27 least four hundred thousand inhabitants but not more than four  
28 hundred fifty thousand inhabitants shall extend twelve miles

1 beyond the corporate limits of any such city; except that this  
2 zone shall extend from the southern border of such city's limits,  
3 beginning with the western-most freeway, following said freeway  
4 south to the first intersection with a multilane undivided  
5 highway, where the zone shall extend south along said freeway to  
6 include a city of the fourth classification with more than eight  
7 thousand nine hundred but less than nine thousand inhabitants,  
8 and shall extend north from the intersection of said freeway and  
9 multilane undivided highway along the multilane undivided highway  
10 to the city limits of a city with a population of at least four  
11 hundred thousand inhabitants but not more than four hundred fifty  
12 thousand inhabitants, and shall extend east from the city limits  
13 of a special charter city with more than two hundred seventy-five  
14 but fewer than three hundred seventy-five inhabitants along State  
15 Route 210 and northwest from the intersection of State Route 210  
16 and State Route 10 to include the boundaries of any city of the  
17 third classification with more than ten thousand eight hundred  
18 but fewer than ten thousand nine hundred inhabitants and located  
19 in more than one county. The commercial zone shall continue east  
20 along State Route 10 from the intersection of State Route 10 and  
21 State Route 210 to the eastern city limit of a city of the fourth  
22 classification with more than five hundred fifty but fewer than  
23 six hundred twenty-five inhabitants and located in any county of  
24 the third classification without a township form of government  
25 and with more than twenty-three thousand but fewer than twenty-  
26 six thousand inhabitants and with a city of the third  
27 classification with more than five thousand but fewer than six  
28 thousand inhabitants as the county seat. The commercial zone

1 described in this subdivision shall be extended to also include  
2 the stretch of State Route 45 from its intersection with  
3 Interstate 29 extending northwest to the city limits of any  
4 village with more than forty but fewer than fifty inhabitants and  
5 located in any county of the first classification with more than  
6 eighty-three thousand but fewer than ninety-two thousand  
7 inhabitants and with a city of the fourth classification with  
8 more than four thousand five hundred but fewer than five thousand  
9 inhabitants as the county seat. The commercial zone described in  
10 this subdivision shall be extended east from the intersection of  
11 State Route 7 and U.S. Highway 50 to include the city limits of a  
12 city of the fourth classification with more than one thousand  
13 fifty but fewer than one thousand two hundred inhabitants and  
14 located in any county with a charter form of government and with  
15 more than six hundred thousand but fewer than seven hundred  
16 thousand inhabitants, and from the eastern limits of said city  
17 east along U.S. Highway 50 up to and including the intersection  
18 of U.S. Highway 50 and State Route AA, then south along State  
19 Route AA up to and including the intersection of State Route AA  
20 and State Route 58, then west along State Route 58 to include the  
21 city limits of a city of the fourth classification with more than  
22 one hundred forty but fewer than one hundred sixty inhabitants  
23 and located in any county of the first classification with more  
24 than ninety-two thousand but fewer than one hundred one thousand  
25 inhabitants, and from the western limits of said city along State  
26 Route 58 to where State Route 58 intersects with State Route 7;

27 (3) The commercial zone of a city of the third  
28 classification with more than nine thousand six hundred fifty but

1 fewer than nine thousand eight hundred inhabitants shall extend  
2 south from the city limits along U.S. Highway 61 to the  
3 intersection of State Route 00 in a county of the third  
4 classification without a township form of government and with  
5 more than seventeen thousand eight hundred but fewer than  
6 seventeen thousand nine hundred inhabitants;

7 (4) The commercial zone of a home rule city with more than  
8 one hundred eight thousand but fewer than one hundred sixteen  
9 thousand inhabitants and located in a county of the first  
10 classification with more than one hundred fifty thousand but  
11 fewer than two hundred thousand inhabitants shall extend north  
12 from the city limits along U.S. Highway 63, a state highway, to  
13 the intersection of State Route NN, and shall continue west and  
14 south along State Route NN to the intersection of State Route  
15 124, and shall extend east from the intersection along State  
16 Route 124 to U.S. Highway 63. The commercial zone described in  
17 this subdivision shall also extend east from the city limits  
18 along State Route WW to the intersection of State Route J and  
19 continue south on State Route J for four miles.

20 4. In no case shall the commercial zone of a city be  
21 reduced due to a loss of population. The provisions of this  
22 section shall not apply to motor vehicles operating on the  
23 interstate highways in the area beyond two miles of a corporate  
24 limit of the city unless the United States Department of  
25 Transportation increases the allowable weight limits on the  
26 interstate highway system within commercial zones. In such case,  
27 the mileage limits established in this section shall be  
28 automatically increased only in the commercial zones to conform

1 with those authorized by the United States Department of  
2 Transportation.

3 5. Nothing in this section shall prevent a city, county, or  
4 municipality, by ordinance, from designating the routes over  
5 which such vehicles may be operated.

6 6. No motor vehicle engaged in interstate commerce, whether  
7 unladen or with load, whose operations in the state of Missouri  
8 are limited exclusively to the commercial zone of a first class  
9 home rule municipality located in a county with a population  
10 between eighty thousand and ninety-five thousand inhabitants  
11 which has a portion of its corporate limits contiguous with a  
12 portion of the boundary between the states of Missouri and  
13 Kansas, shall have a greater weight than twenty-two thousand four  
14 hundred pounds on one axle, nor shall exceed fifteen feet in  
15 height.

16 479.020. 1. Any city, town or village, including those  
17 operating under a constitutional or special charter, may, and  
18 cities with a population of four hundred thousand or more shall,  
19 provide by ordinance or charter for the selection, tenure and  
20 compensation of a municipal judge or judges consistent with the  
21 provisions of this chapter who shall have original jurisdiction  
22 to hear and determine all violations against the ordinances of  
23 the municipality. The method of selection of municipal judges  
24 shall be provided by charter or ordinance. Each municipal judge  
25 shall be selected for a term of not less than two years as  
26 provided by charter or ordinance.

27 2. Except where prohibited by charter or ordinance, the  
28 municipal judge may be a part-time judge and may serve as



1 municipal judge in more than one municipality.

2 3. No person shall serve as a municipal judge of any  
3 municipality with a population of seven thousand five hundred or  
4 more or of any municipality in a county of the first class with a  
5 charter form of government unless the person is licensed to  
6 practice law in this state unless, prior to January 2, 1979, such  
7 person has served as municipal judge of that same municipality  
8 for at least two years.

9 4. Notwithstanding any other statute, a municipal judge  
10 need not be a resident of the municipality or of the circuit in  
11 which the municipal judge serves except where ordinance or  
12 charter provides otherwise. Municipal judges shall be residents  
13 of Missouri.

14 5. Judges selected under the provisions of this section  
15 shall be municipal judges of the circuit court and shall be  
16 divisions of the circuit court of the circuit in which the  
17 municipality, or major geographical portion thereof, is located.  
18 The judges of these municipal divisions shall be subject to the  
19 rules of the circuit court which are not inconsistent with the  
20 rules of the supreme court. The presiding judge of the circuit  
21 shall have general administrative authority over the judges and  
22 court personnel of the municipal divisions within the circuit.

23 6. No municipal judge shall hold any other office in the  
24 municipality which the municipal judge serves as judge. The  
25 compensation of any municipal judge and other court personnel  
26 shall not be dependent in any way upon the number of cases tried,  
27 the number of guilty verdicts reached or the amount of fines  
28 imposed or collected.

1           7. Municipal judges shall be at least twenty-one years of  
2 age. No person shall serve as municipal judge after that person  
3 has reached that person's seventy-fifth birthday.

4           8. Within six months after selection for the position, each  
5 municipal judge who is not licensed to practice law in this state  
6 shall satisfactorily complete the course of instruction for  
7 municipal judges prescribed by the supreme court. The state  
8 courts administrator shall certify to the supreme court the names  
9 of those judges who satisfactorily complete the prescribed  
10 course. If a municipal judge fails to complete satisfactorily  
11 the prescribed course within six months after the municipal  
12 judge's selection as municipal judge, the municipal judge's  
13 office shall be deemed vacant and such person shall not  
14 thereafter be permitted to serve as a municipal judge, nor shall  
15 any compensation thereafter be paid to such person for serving as  
16 municipal judge.

17           9. No municipal judge shall serve as a municipal judge in  
18 more than five municipalities at one time.

19           479.350. For purposes of sections 479.350 to 479.372, the  
20 following terms mean:

21           (1) "Annual general operating revenue", revenue that can be  
22 used to pay any bill or obligation of a county, city, town, or  
23 village, including general sales tax; general use tax; general  
24 property tax; fees from licenses and permits; unrestricted user  
25 fees; fines, court costs, bond forfeitures, and penalties.  
26 Annual general operating revenue does not include designated  
27 sales or use taxes; restricted user fees; grant funds; funds  
28 expended by a political subdivision for technological assistance

1 in collecting, storing, and disseminating criminal history record  
2 information and facilitating criminal identification activities  
3 for the purpose of sharing criminal justice-related information  
4 among political subdivisions; or other revenue designated for a  
5 specific purpose;

6 (2) "Court costs", costs, fees, or surcharges which are  
7 retained by a county, city, town, or village upon a finding of  
8 guilty or plea of guilty, and shall exclude any costs, fees, or  
9 surcharges disbursed to the state or other entities by a county,  
10 city, town, or village and any certified costs, not including  
11 finances added to the annual real estate tax bill or a special tax  
12 bill under section 67.398, 67.402, or 67.451;

13 (3) "Minor traffic violation", a municipal or county  
14 traffic ordinance violation prosecuted that does not involve an  
15 accident or injury, that does not involve the operation of a  
16 commercial motor vehicle, and for which no points are assessed by  
17 the department of revenue or the department of revenue is  
18 authorized to assess [no more than] one to four points to a  
19 person's driving record upon conviction. Minor traffic violation  
20 shall include amended charges for any minor traffic violation.  
21 Minor traffic violation shall exclude a violation for exceeding  
22 the speed limit by more than nineteen miles per hour or a  
23 violation occurring within a construction zone or school zone;

24 (4) "Municipal ordinance violation", a municipal or county  
25 ordinance violation prosecuted for which penalties are authorized  
26 by statute under sections 64.160, 64.200, 64.295, 64.487, 64.690,  
27 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance  
28 violation shall include amended charges for municipal ordinance

1 violations.

2 479.353. Notwithstanding any provisions to the contrary,  
3 the following conditions shall apply to minor traffic violations  
4 and municipal ordinance violations:

5 (1) The court shall not assess a fine, if combined with the  
6 amount of court costs, totaling in excess of **[three]**:

7 (a) Two hundred twenty-five dollars for minor traffic  
8 violations; and

9 (b) For municipal ordinance violations committed within a  
10 twelve month period beginning with the first violation: two  
11 hundred dollars for the first municipal ordinance violation, two  
12 hundred seventy-five dollars for the second municipal ordinance  
13 violation, three hundred fifty dollars for the third municipal  
14 ordinance violation, and four hundred fifty dollars for the  
15 fourth and any subsequent municipal ordinance violations;

16 (2) The court shall not sentence a person to confinement,  
17 except the court may sentence a person to confinement for  
18 **[violations]** any violation involving alcohol or controlled  
19 substances, violations endangering the health or welfare of  
20 others, **[and]** or eluding or giving false information to a law  
21 enforcement officer;

22 (3) A person shall not be placed in confinement for failure  
23 to pay a fine unless such nonpayment violates terms of probation  
24 or unless the due process procedures mandated by Missouri Supreme  
25 Court Rule 37.65 or its successor rule are strictly followed by  
26 the court;

27 (4) Court costs that apply shall be assessed against the  
28 defendant unless the court finds that the defendant is indigent

1 based on standards set forth in determining such by the presiding  
2 judge of the circuit. Such standards shall reflect model rules  
3 and requirements to be developed by the supreme court; and

4 (5) No court costs shall be assessed if the defendant is  
5 found to be indigent under subdivision (4) of this section or if  
6 the case is dismissed.

7 479.359. 1. Every county, city, town, and village shall  
8 annually calculate the percentage of its annual general operating  
9 revenue received from fines, bond forfeitures, and court costs  
10 for municipal ordinance violations and minor traffic violations,  
11 including amended charges for any municipal ordinance violations  
12 and minor traffic violations, whether the violation was  
13 prosecuted in municipal court, associate circuit court, or  
14 circuit court, occurring within the county, city, town, or  
15 village. If the percentage is more than thirty percent, the  
16 excess amount shall be sent to the director of the department of  
17 revenue. The director of the department of revenue shall set  
18 forth by rule a procedure whereby excess revenues as set forth in  
19 this section shall be sent to the department of revenue. The  
20 department of revenue shall distribute these moneys annually to  
21 the schools of the county in the same manner that proceeds of all  
22 fines collected for any breach of the penal laws of this state  
23 are distributed.

24 2. Beginning January 1, 2016, the percentage specified in  
25 subsection 1 of this section shall be reduced from thirty percent  
26 to twenty percent, unless any county, city, town, or village has  
27 a fiscal year beginning on any date other than January first, in  
28 which case the reduction shall begin on the first day of the

1 immediately following fiscal year except that any county with a  
2 charter form of government and with more than nine hundred fifty  
3 thousand inhabitants and any city, town, or village with  
4 boundaries found within such county shall be reduced from thirty  
5 percent to twelve and one-half percent.

6 3. An addendum to the annual financial report submitted to  
7 the state auditor under section 105.145 by the county, city,  
8 town, or village [under section 105.145] that has chosen to have  
9 a municipal court division shall contain an accounting of:

10 (1) Annual general operating revenue as defined in section  
11 479.350;

12 (2) The total revenues from fines, bond forfeitures, and  
13 court costs for municipal ordinance violations and minor traffic  
14 violations occurring within the county, city, town, or village,  
15 including amended charges from any municipal ordinance violations  
16 and minor traffic violations;

17 (3) The percent of annual general operating revenue from  
18 fines, bond forfeitures, and court costs for municipal ordinance  
19 violations and minor traffic violations occurring within the  
20 county, city, town, or village, including amended charges from  
21 any charged municipal ordinance violations and minor traffic  
22 violation, charged in the municipal court of that county, city,  
23 town, or village; and

24 (4) Said addendum shall be certified and signed by a  
25 representative with knowledge of the subject matter as to the  
26 accuracy of the addendum contents, under oath and under the  
27 penalty of perjury, and witnessed by a notary public.

28 4. On or before December 31, 2015, the state auditor shall

1 set forth by rule a procedure for including the addendum  
2 information required by this section. The rule shall also allow  
3 reasonable opportunity for demonstration of compliance without  
4 unduly burdensome calculations.

5 479.360. 1. Every county, city, town, and village shall  
6 file with the state auditor, together with its report due under  
7 section 105.145, its certification of its substantial compliance  
8 signed by its municipal judge with the municipal court procedures  
9 set forth in this subsection during the preceding fiscal year.  
10 The procedures to be adopted and certified include the following:

11 (1) Defendants in custody pursuant to an initial arrest  
12 warrant issued by a municipal court have an opportunity to be  
13 heard by a judge in person, by telephone, or video conferencing  
14 as soon as practicable and not later than forty-eight hours on  
15 minor traffic violations and not later than seventy-two hours on  
16 other violations and, if not given that opportunity, are  
17 released;

18 (2) Defendants in municipal custody shall not be held more  
19 than twenty-four hours without a warrant after arrest;

20 (3) Defendants are not detained in order to coerce payment  
21 of fines and costs unless found to be in contempt after strict  
22 compliance by the court with the due process procedures mandated  
23 by Missouri Supreme Court Rule 37.65 or its successor rule;

24 (4) The municipal court has established procedures to allow  
25 indigent defendants to present evidence of their financial  
26 condition and takes such evidence into account if determining  
27 fines and costs and establishing related payment requirements;

28 (5) The municipal court only assesses fines and costs as

1 authorized by law;

2 (6) No additional charge shall be issued for the failure to  
3 appear for a minor traffic violation;

4 (7) The municipal court conducts proceedings in a courtroom  
5 that is open to the public and large enough to reasonably  
6 accommodate the public, parties, and attorneys;

7 (8) The municipal court makes use of alternative payment  
8 plans [and];

9 (9) The municipal court makes use of community service  
10 alternatives for which no associated costs are charged to the  
11 defendant; and

12 **[(9)]** (10) The municipal court has adopted an electronic  
13 payment system or payment by mail for the payment of minor  
14 traffic violations.

15 2. On or before December 31, 2015, the state auditor shall  
16 set forth by rule a procedure for including the addendum  
17 information required by this section. The rule shall also allow  
18 reasonable opportunity for demonstration of compliance.

19 479.368. 1. (1) Except for county sales taxes deposited  
20 in the county sales tax trust fund as defined in section 66.620,  
21 any county, city, town, or village failing to timely file the  
22 required addendums or remit the required excess revenues, if  
23 applicable, after the time period provided by the notice by the  
24 director of the department of revenue or any final determination  
25 on excess revenue by the court in a judicial proceeding,  
26 whichever is later, shall not receive from that date any amount  
27 of moneys to which the county, city, town, or village would  
28 otherwise be entitled to receive from revenues from local sales



1 tax as defined in section 32.085.

2 (2) If any county, city, town, or village has failed to  
3 timely file the required addendums, the director of the  
4 department of revenue shall hold any moneys the noncompliant  
5 city, town, village, or county would otherwise be entitled to  
6 from local sales tax as defined in section 32.085 until a  
7 determination is made by the director of revenue that the  
8 noncompliant city, town, village, or county has come into  
9 compliance with the provisions of sections 479.359 and 479.360.

10 (3) If any county, city, town, or village has failed to  
11 remit the required excess revenue to the director of the  
12 department of revenue such general local sales tax revenues shall  
13 be distributed as provided in subsection 1 of section 479.359 by  
14 the director of the department of revenue in the amount of excess  
15 revenues that the county, city, town, or village failed to remit.

16  
17 Upon a noncompliant city, town, village, or county coming into  
18 compliance with the provisions of sections 479.359 and 479.360,  
19 the director of the department of revenue shall disburse any  
20 remaining balance of funds held under this subsection after  
21 satisfaction of amounts due under section 479.359. Moneys held  
22 by the director of the department of revenue under this  
23 subsection shall not be deemed to be state funds and shall not be  
24 commingled with any funds of the state.

25 2. (1) Any city, town, village, or county that  
26 participates in the distribution of local sales tax in sections  
27 66.600 to 66.630 and fails to timely file the required addendums  
28 or remit the required excess revenues, if applicable, after the

1 time period provided by the notice by the director of the  
2 department of revenue or any final determination on excess  
3 revenue by the court in a judicial proceeding, whichever is  
4 later, shall not receive any amount of moneys to which said city,  
5 town, village, or county would otherwise be entitled under  
6 sections 66.600 to 66.630. The director of the department of  
7 revenue shall notify the county to which the duties of the  
8 director have been delegated under section 66.601 of any  
9 noncompliant city, town, village, or county and the county shall  
10 remit to the director of the department of revenue any moneys to  
11 which said city, town, village, or county would otherwise be  
12 entitled. No disbursements to the noncompliant city, town,  
13 village, or county shall be permitted until a determination is  
14 made by the director of revenue that the noncompliant city, town,  
15 village, or county has come into compliance with the provisions  
16 of sections 479.359 and 479.360.

17 (2) If such county, city, town, or village has failed to  
18 timely file the required addendums, the director of the  
19 department of revenue shall hold any moneys the noncompliant  
20 city, town, village, or county would otherwise be entitled to  
21 under sections 66.600 to 66.630 until a determination is made by  
22 the director of revenue that the noncompliant city, town,  
23 village, or county has come into compliance with the provisions  
24 of sections 479.359 and 479.360.

25 (3) If any county, city, town, or village has failed to  
26 remit the required excess revenue to the director of the  
27 department of revenue, the director shall distribute such moneys  
28 the county, city, town, or village would otherwise be entitled to

1 under sections 66.600 to 66.630 in the amount of excess revenues  
2 that the city, town, village, or county failed to remit as  
3 provided in subsection 1 of section 479.359.

4  
5 Upon a noncompliant city, town, village, or county coming into  
6 compliance with the provisions of sections 479.359 and 479.360,  
7 the director of the department of revenue shall disburse any  
8 remaining balance of funds held under this subsection after  
9 satisfaction of amounts due under section 479.359 and shall  
10 notify the county to which the duties of the director have been  
11 delegated under section 66.601 that such compliant city, town,  
12 village, or county is entitled to distributions under sections  
13 66.600 to 66.630. If a noncompliant city, town, village, or  
14 county becomes disincorporated, any moneys held by the director  
15 of the department of revenue shall be distributed to the schools  
16 of the county in the same manner that proceeds of all penalties,  
17 forfeitures, and fines collected for any breach of the penal laws  
18 of the state are distributed. Moneys held by the director of the  
19 department of revenue under this subsection shall not be deemed  
20 to be state funds and shall not be commingled with any funds of  
21 the state.

22 3. In addition to the provisions of subsection 1 of this  
23 section, any county that fails to remit the required excess  
24 revenue as required by section 479.359 shall have an election  
25 upon the question of disincorporation under Article VI, Section 5  
26 of the Constitution of Missouri, and any such city, town, or  
27 village that fails to remit the required excess revenue as  
28 required by section 479.359 shall have an election upon the

1 question of disincorporation according to the following  
2 procedure:

3 (1) The election upon the question of disincorporation of  
4 such city, town, or village shall be held on the next general  
5 election day, as defined by section 115.121;

6 (2) The director of the department of revenue shall notify  
7 the election authorities responsible for conducting the election  
8 according to the terms of section 115.125 and the county  
9 governing body in which the city, town, or village is located not  
10 later than 5:00 p.m. on the tenth Tuesday prior to the election  
11 of the amount of the excess revenues due;

12 (3) The question shall be submitted to the voters of such  
13 city, town, or village in substantially the following form:  
14 The city/town/village of ..... has kept more revenue  
15 from fines, bond forfeitures, and court costs for municipal  
16 ordinance violations and minor traffic violations than is  
17 permitted by state law and failed to remit those revenues to the  
18 county school fund. Shall the city/town/village of  
19 ..... be dissolved?

20  YES  NO

21 (4) Upon notification by the director of the department of  
22 revenue, the county governing body in which the city, town, or  
23 village is located shall give notice of the election for eight  
24 consecutive weeks prior to the election by publication in a  
25 newspaper of general circulation published in the city, town, or  
26 village, or if there is no such newspaper in the city, town, or  
27 village, then in the newspaper in the county published nearest  
28 the city, town, or village; and

