

SECOND REGULAR SESSION

# SENATE BILL NO. 1604

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

6724S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 321.310 and 321.330, RSMo, and to enact in lieu thereof two new sections relating to petitions to exclude property from a fire protection district.

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

Section A. Sections 321.310 and 321.330, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 321.310 and 321.330, to read as follows:

321.310. 1. Any owner of any real or personal  
2 property contained within the boundaries of the district may  
3 file with the board a petition praying that such property be  
4 excluded and taken from the district. Such petition shall  
5 describe the property which the petitioner desires to have  
6 excluded, and must be acknowledged in the same manner and  
7 form as required in case of a conveyance of land, and be  
8 accompanied by a deposit of money sufficient to pay all  
9 costs of the exclusion proceedings. The secretary of the  
10 board shall cause a notice of filing of such petition to be  
11 published in the county in which the property is located.  
12 The notice shall state the filing of such petition, the name  
13 of the petitioner, description of the property mentioned  
14 sought to be excluded and the prayer of the petitioner; and  
15 it shall notify all persons interested to appear at the  
16 office of the board at the time named in the notice, showing  
17 cause in writing, if any they have, why the petition should

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

not be granted. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer of the petition should not be granted. The filing of such petition shall be deemed and assent by the petitioner to the exclusion from the district of the property mentioned in the petition, or any part thereof.

2. Owners of individual parcels within a residential subdivision contained within the boundaries of the district may file with the board a petition praying that all real property within the subdivision be excluded and taken from the district. The petition shall:

(1) Be signed by every owner of a parcel within the subdivision sought to be excluded, such signatures shall be affixed before a person who shall certify, by affidavit acknowledged before a notary public, that the signatures were affixed in his or her presence;

(2) Describe the property that the petitioners desire to have excluded, which description can be the name of the residential subdivision and the plat book and page where recorded;

(3) Include a statement from any rural, volunteer, or subscription fire department or organization, volunteer fire protection association, or municipality that such entity or municipality will provide fire protection services to the subdivision either directly or by contract with another fire protection entity upon an order by the court excluding the subdivision from the district issued under this section; and

48           (4) Be accompanied by a deposit of moneys sufficient  
49 to pay all costs of the exclusion proceedings, which shall  
50 be consolidated to the extent feasible.

51 The secretary of the board shall cause a notice of filing of  
52 such petition to be published in the county in which the  
53 subdivision is located. The notice shall state the filing  
54 of such petition, the names of the petitioners, a  
55 description of the property, the name of the fire  
56 department, organization, or association that will provide  
57 fire protection services if the petition is approved, and  
58 the prayer of the petitioners. The secretary shall notify  
59 all persons interested, including anyone who owns property  
60 within the subdivision, to appear at the office of the board  
61 at the time named in the notice, showing cause in writing,  
62 if any they have, why the petition should not be granted.  
63 The board at the time and place mentioned in the notice, or  
64 at the time or times at which the hearing of the petition  
65 may be adjourned, shall proceed to hear the petition and all  
66 objections thereto presented in writing by any person  
67 showing cause as aforesaid why the prayer of the petition  
68 should not be granted. The filing of such petition shall be  
69 deemed to be assent by the petitioners to the exclusion from  
70 the district of the property mentioned in the petition.

71           3. The board, if it deems it not for the best  
72 interests of the district that the property mentioned in the  
73 petition, or any portion thereof, shall be excluded from the  
74 district, shall order that the petition be denied; but if it  
75 determines that the property mentioned in the petition, or  
76 any portion thereof, cannot as a practical matter be served  
77 by the district or if it deems it for the best interest of  
78 the district that the property mentioned in the petition, or

79 some portion thereof, be excluded from the district, then  
80 the board may order the property mentioned in the petition,  
81 or some portion thereof, excluded from the district. Upon  
82 allowance of such petition, the board shall file a certified  
83 copy of the order of the board making such change with the  
84 circuit clerk. Upon order of the court, the property shall  
85 be excluded from the district, and a copy of the order of  
86 the board and the order of the court shall be filed with the  
87 county clerk in each county in which the district lies. The  
88 circuit court having jurisdiction over the district shall  
89 make any such order excluding property from the district as  
90 provided in the order of the board, unless the court shall  
91 find that such order of the board was not authorized by law,  
92 or that such order of the board was not supported by  
93 competent and substantial evidence. Any person aggrieved by  
94 any decision of the board made pursuant to the provisions of  
95 this section may appeal that decision to the circuit court  
96 within thirty days of the decision for a trial de novo.

321.330. 1. All real property included within, or  
2 excluded from, a district shall thereafter be subject to the  
3 levy of taxes for the payment of any indebtedness of the  
4 district outstanding at the time of inclusion or exclusion[;  
5 provided, however, that].

6 2. After any real property [shall have] **has** been  
7 excluded from a district, as herein provided, any buildings  
8 and improvements thereafter erected or constructed on said  
9 excluded real property, and all machinery and equipment  
10 thereafter installed or placed therein or thereon, and all  
11 tangible personal property not in said district at the time  
12 of the exclusion of said real property from said district  
13 which shall thereafter be situate on or used in connection

14 with said real property, shall not be subject to any taxes  
15 levied by said district.

16       **3. Any real property excluded from a district under**  
17 **subsection 2 of section 321.310 shall not be subject to the**  
18 **provisions of subsection 1 of this section.**

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