

FIRST REGULAR SESSION

SENATE BILL NO. 264

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 5, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1372S.011

AN ACT

To repeal section 321.310, RSMo, and to enact in lieu thereof one new section 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Section A. Section 321.310, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 321.310, to read as follows:

321.310. 1. Any owner of any real or personal property contained within
2 the boundaries of the district may file with the board a petition praying that such
3 property be excluded and taken from the district. Such petition shall describe the
4 property which the petitioner desires to have excluded, and must be
5 acknowledged in the same manner and form as required in case of a conveyance
6 of land, and be accompanied by a deposit of money sufficient to pay all costs of
7 the exclusion proceedings. The secretary of the board shall cause a notice of
8 filing of such petition to be published in the county in which the property is
9 located. The notice shall state the filing of such petition, the name of the
10 petitioner, description of the property mentioned sought to be excluded and the
11 prayer of the petitioner; and it shall notify all persons interested to appear at the
12 office of the board at the time named in the notice, showing cause in writing, if
13 any they have, why the petition should not be granted. The board at the time
14 and place mentioned in the notice, or at the time or times at which the hearing
15 of the petition may be adjourned, shall proceed to hear the petition and all
16 objections thereto presented in writing by any person showing cause as aforesaid,
17 why the prayer of the petition should not be granted. The filing of such petition
18 shall be deemed and assent by the petitioner to the exclusion from the district of
19 the property mentioned in the petition, or any part thereof.

20 **2. Owners of individual parcels within a residential subdivision**

21 contained within the boundaries of the district may file with the board
22 a petition praying that all real property within the subdivision be
23 excluded and taken from the district. The petition shall be signed by
24 every owner of a parcel within the subdivision sought to be
25 excluded. Such petition shall describe the property which the
26 petitioners desire to have excluded and include a statement from any
27 rural, volunteer or subscription fire department or organization, or
28 volunteer fire protection association that such entity will provide fire
29 protection services to the subdivision upon an order by the court
30 excluding the subdivision from the district issued pursuant to this
31 section. The petition shall be acknowledged in the same manner and
32 form as required in the case of a conveyance of land, and be
33 accompanied by a deposit of money sufficient to pay all costs of the
34 exclusion proceedings, which shall be consolidated to the extent
35 feasible. The secretary of the board shall cause a notice of filing of
36 such petition to be published in the county in which the subdivision is
37 located. The notice shall state the filing of such petition, the names of
38 the petitioners, a description of the property, the name of the fire
39 department, organization, or association that will provide fire
40 protection services if the petition is approved, and the prayer of the
41 petitioners. The secretary shall notify all persons interested, including
42 anyone who owns property within the subdivision, to appear at the
43 office of the board at the time named in the notice, showing cause in
44 writing, if any they have, why the petition should not be granted. The
45 board at the time and place mentioned in the notice, or at the time or
46 times at which the hearing of the petition may be adjourned, shall
47 proceed to hear the petition and all objections thereto presented in
48 writing by any person showing cause as aforesaid why the prayer of the
49 petition should not be granted. The filing of such petition shall be
50 deemed to be assent by the petitioners to the exclusion from the
51 district of the property mentioned in the petition.

52 3. The board, if it deems it not for the best interests of the district that
53 the property mentioned in the petition, or any portion thereof, shall be excluded
54 from the district, shall order that the petition be denied; but if it determines that
55 the property mentioned in the petition, or any portion thereof, cannot as a
56 practical matter be served by the district or if it deems it for the best interest of
57 the district that the property mentioned in the petition, or some portion thereof,

58 be excluded from the district, then the board may order the property mentioned
59 in the petition, or some portion thereof, excluded from the district. Upon
60 allowance of such petition, the board shall file a certified copy of the order of the
61 board making such change with the circuit clerk. Upon order of the court, the
62 property shall be excluded from the district, and a copy of the order of the board
63 and the order of the court shall be filed with the county clerk in each county in
64 which the district lies. The circuit court having jurisdiction over the district shall
65 make any such order excluding property from the district as provided in the order
66 of the board, unless the court shall find that such order of the board was not
67 authorized by law, or that such order of the board was not supported by
68 competent and substantial evidence. Any person aggrieved by any decision of the
69 board made pursuant to the provisions of this section may appeal that decision
70 to the circuit court within thirty days of the decision for a trial de novo.

✓

Bill

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