

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 58

97TH GENERAL ASSEMBLY

2013

0155S.02T

AN ACT

To repeal sections 71.012, 71.014, 71.015, and 71.285, RSMo, and to enact in lieu thereof five new sections relating to the passage of ordinances in the city of Farmington.

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

Section A. Sections 71.012, 71.014, 71.015, and 71.285, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 71.012, 71.014, 71.015, 71.285, and 77.675, to read as follows:

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860
2 to 71.920, the governing body of any city, town or village may annex
3 unincorporated areas which are contiguous and compact to the existing corporate
4 limits of the city, town or village pursuant to this section. The term "contiguous
5 and compact" does not include a situation whereby the unincorporated area
6 proposed to be annexed is contiguous to the annexing city, town or village only
7 by a railroad line, trail, pipeline or other strip of real property less than one-
8 quarter mile in width within the city, town or village so that the boundaries of
9 the city, town or village after annexation would leave unincorporated areas
10 between the annexed area and the prior boundaries of the city, town or village
11 connected only by such railroad line, trail, pipeline or other such strip of real
12 property. The term "contiguous and compact" does not prohibit voluntary
13 annexations pursuant to this section merely because such voluntary annexation
14 would create an island of unincorporated area within the city, town or village, so
15 long as the owners of the unincorporated island were also given the opportunity
16 to voluntarily annex into the city, town or village. Notwithstanding the
17 provisions of this section, the governing body of any city, town or village in any
18 county of the third classification which borders a county of the fourth
19 classification, a county of the second classification and **the** Mississippi River may
20 annex areas along a road or highway up to two miles from existing boundaries of

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

21 the city, town or village or the governing body in any city, town or village in any
22 county of the third classification without a township form of government with a
23 population of at least twenty-four thousand inhabitants but not more than thirty
24 thousand inhabitants and such county contains a state correctional center may
25 voluntarily annex such correctional center pursuant to the provisions of this
26 section if the correctional center is along a road or highway within two miles from
27 the existing boundaries of the city, town or village.

28 2. (1) When a [verified] **notarized** petition, requesting annexation and
29 signed by the owners of all fee interests of record in all tracts of real property
30 located within the area proposed to be annexed, or a request for annexation
31 signed under the authority of the governing body of any common interest
32 community and approved by a majority vote of unit owners located within the
33 area proposed to be annexed is presented to the governing body of the city, town
34 or village, the governing body shall hold a public hearing concerning the matter
35 not less than fourteen nor more than sixty days after the petition is received, and
36 the hearing shall be held not less than seven days after notice of the hearing is
37 published in a newspaper of general circulation qualified to publish legal matters
38 and located within the boundary of the petitioned city, town or village. If no such
39 newspaper exists within the boundary of such city, town or village, then the
40 notice shall be published in the qualified newspaper nearest the petitioned city,
41 town or village. For the purposes of this subdivision, the term "common-interest
42 community" shall mean a condominium as said term is used in chapter 448, or a
43 common-interest community, a cooperative, or a planned community.

44 (a) A "common-interest community" shall be defined as real property with
45 respect to which a person, by virtue of such person's ownership of a unit, is
46 obliged to pay for real property taxes, insurance premiums, maintenance or
47 improvement of other real property described in a declaration. "Ownership of a
48 unit" does not include a leasehold interest of less than twenty years in a unit,
49 including renewal options;

50 (b) A "cooperative" shall be defined as a common-interest community in
51 which the real property is owned by an association, each of whose members is
52 entitled by virtue of such member's ownership interest in the association to
53 exclusive possession of a unit;

54 (c) A "planned community" shall be defined as a common-interest
55 community that is not a condominium or a cooperative. A condominium or
56 cooperative may be part of a planned community.

57 (2) At the public hearing any interested person, corporation or political
58 subdivision may present evidence regarding the proposed annexation.

59 If, after holding the hearing, the governing body of the city, town or village
60 determines that the annexation is reasonable and necessary to the proper
61 development of the city, town or village, and the city, town or village has the
62 ability to furnish normal municipal services to the area to be annexed within a
63 reasonable time, it may, subject to the provisions of subdivision (3) of this
64 subsection, annex the territory by ordinance without further action.

65 (3) If a written objection to the proposed annexation is filed with the
66 governing body of the city, town or village not later than fourteen days after the
67 public hearing by at least five percent of the qualified voters of the city, town or
68 village, or two qualified voters of the area sought to be annexed if the same
69 contains two qualified voters, the provisions of sections 71.015 and 71.860 to
70 71.920, shall be followed.

71 3. If no objection is filed, the city, town or village shall extend its limits
72 by ordinance to include such territory, specifying with accuracy the new boundary
73 lines to which the city's, town's or village's limits are extended. Upon duly
74 enacting such annexation ordinance, the city, town or village shall cause three
75 certified copies of the same to be filed with the county assessor and the clerk of
76 the county wherein the city, town or village is located, and one certified copy to
77 be filed with the election authority, if different from the clerk of the county which
78 has jurisdiction over the area being annexed, whereupon the annexation shall be
79 complete and final and thereafter all courts of this state shall take judicial notice
80 of the limits of that city, town or village as so extended.

81 **4. That a petition requesting annexation is not or was not**
82 **verified or notarized shall not affect the validity of an annexation**
83 **heretofore or hereafter undertaken in accordance with this section.**

84 **5. Any action of any kind seeking to deannex from any city, town,**
85 **or village any area annexed under this section, or seeking in any way**
86 **to reverse, invalidate, set aside, or otherwise challenge such annexation**
87 **or oust such city, town, or village from jurisdiction over such annexed**
88 **area shall be brought within five years of the date of adoption of the**
89 **annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the
2 governing body of any city, town, or village which is located within a county
3 which borders a county of the first classification with a charter form of
4 government with a population in excess of six hundred fifty thousand, proceeding
5 as otherwise authorized by law or charter, may annex unincorporated areas which
6 are contiguous and compact to the existing corporate limits upon [verified]
7 **notarized** petition requesting such annexation signed by the owners of all fee

8 interests of record in all tracts located within the area to be annexed. **That a**
9 **petition requesting annexation is not or was not verified or notarized**
10 **shall not affect the validity of an annexation heretofore or hereafter**
11 **undertaken in accordance with this section.**

12 **2. Any action of any kind seeking to deannex from any city, town,**
13 **or village any area annexed under this section, or seeking in any way**
14 **to reverse, invalidate, set aside, or otherwise challenge such annexation**
15 **or oust such city, town, or village from jurisdiction over such annexed**
16 **area shall be brought within five years of the date of adoption of the**
17 **annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of
2 the first classification which has adopted a constitutional charter for its own local
3 government, seek to annex an area to which objection is made, the following shall
4 be satisfied:

5 (1) Before the governing body of any city, town, or village has adopted a
6 resolution to annex any unincorporated area of land, such city, town, or village
7 shall first as a condition precedent determine that the land to be annexed is
8 contiguous to the existing city, town, or village limits and that the length of the
9 contiguous boundary common to the existing city, town, or village limit and the
10 proposed area to be annexed is at least fifteen percent of the length of the
11 perimeter of the area proposed for annexation.

12 (2) The governing body of any city, town, or village shall propose an
13 ordinance setting forth the following:

14 (a) The area to be annexed and affirmatively stating that the boundaries
15 comply with the condition precedent referred to in subdivision (1) above;

16 (b) That such annexation is reasonable and necessary to the proper
17 development of the city, town, or village;

18 (c) That the city has developed a plan of intent to provide services to the
19 area proposed for annexation;

20 (d) That a public hearing shall be held prior to the adoption of the
21 ordinance;

22 (e) When the annexation is proposed to be effective, the effective date
23 being up to thirty-six months from the date of any election held in conjunction
24 thereto.

25 (3) The city, town, or village shall fix a date for a public hearing on the
26 ordinance and make a good faith effort to notify all fee owners of record within
27 the area proposed to be annexed by certified mail, not less than thirty nor more
28 than sixty days before the hearing, and notify all residents of the area by

29 publication of notice in a newspaper of general circulation qualified to publish
30 legal matters in the county or counties where the proposed area is located, at
31 least once a week for three consecutive weeks prior to the hearing, with at least
32 one such notice being not more than twenty days and not less than ten days
33 before the hearing.

34 (4) At the hearing referred to in subdivision (3), the city, town, or village
35 shall present the plan of intent and evidence in support thereof to include:

36 (a) A list of major services presently provided by the city, town, or village
37 including, but not limited to, police and fire protection, water and sewer systems,
38 street maintenance, parks and recreation, **and** refuse collection[, etc.];

39 (b) A proposed time schedule whereby the city, town, or village plans to
40 provide such services to the residents of the proposed area to be annexed within
41 three years from the date the annexation is to become effective;

42 (c) The level at which the city, town, or village assesses property and the
43 rate at which it taxes that property;

44 (d) How the city, town, or village proposes to zone the area to be annexed;

45 (e) When the proposed annexation shall become effective.

46 (5) Following the hearing, and either before or after the election held in
47 subdivision (6) of this subsection, should the governing body of the city, town, or
48 village vote favorably by ordinance to annex the area, the governing body of the
49 city, town or village shall file an action in the circuit court of the county in which
50 such unincorporated area is situated, under the provisions of chapter 527, praying
51 for a declaratory judgment authorizing such annexation. The petition in such
52 action shall state facts showing:

53 (a) The area to be annexed and its conformity with the condition
54 precedent referred to in subdivision (1) of this subsection;

55 (b) That such annexation is reasonable and necessary to the proper
56 development of the city, town, or village; and

57 (c) The ability of the city, town, or village to furnish normal municipal
58 services of the city, town, or village to the unincorporated area within a
59 reasonable time not to exceed three years after the annexation is to become
60 effective. Such action shall be a class action against the inhabitants of such
61 unincorporated area under the provisions of section 507.070.

62 (6) Except as provided in subsection 3 of this section, if the court
63 authorizes the city, town, or village to make an annexation, the legislative body
64 of such city, town, or village shall not have the power to extend the limits of the
65 city, town, or village by such annexation until an election is held at which the
66 proposition for annexation is approved by a majority of the total votes cast in the

67 city, town, or village and by a separate majority of the total votes cast in the
68 unincorporated territory sought to be annexed. However, should less than a
69 majority of the total votes cast in the area proposed to be annexed vote in favor
70 of the proposal, but at least a majority of the total votes cast in the city, town, or
71 village vote in favor of the proposal, then the proposal shall again be voted upon
72 in not more than one hundred twenty days by both the registered voters of the
73 city, town, or village and the registered voters of the area proposed to be annexed.
74 If at least two-thirds of the qualified electors voting thereon are in favor of the
75 annexation, then the city, town, or village may proceed to annex the territory. If
76 the proposal fails to receive the necessary majority, no part of the area sought to
77 be annexed may be the subject of another proposal to annex for a period of two
78 years from the date of the election, except that, during the two-year period, the
79 owners of all fee interests of record in the area or any portion of the area may
80 petition the city, town, or village for the annexation of the land owned by them
81 pursuant to the procedures in section 71.012. The elections shall if authorized
82 be held, except as herein otherwise provided, in accordance with the general state
83 law governing special elections, and the entire cost of the election or elections
84 shall be paid by the city, town, or village proposing to annex the territory.

85 (7) Failure to comply in providing services to the said area or to zone in
86 compliance with the plan of intent within three years after the effective date of
87 the annexation, unless compliance is made unreasonable by an act of God, shall
88 give rise to a cause of action for deannexation which may be filed in the circuit
89 court by any resident of the area who was residing in the area at the time the
90 annexation became effective.

91 (8) No city, town, or village which has filed an action under this section
92 as this section read prior to May 13, 1980, which action is part of an annexation
93 proceeding pending on May 13, 1980, shall be required to comply with subdivision
94 (5) of this subsection in regard to such annexation proceeding.

95 (9) If the area proposed for annexation includes a public road or highway
96 but does not include all of the land adjoining such road or highway, then such fee
97 owners of record, of the lands adjoining said highway shall be permitted to
98 intervene in the declaratory judgment action described in subdivision (5) of this
99 subsection.

100 2. Notwithstanding any provision of subsection 1 of this section, for any
101 annexation by any city with a population of three hundred fifty thousand or more
102 inhabitants which is located in more than one county that becomes effective after
103 August 28, 1994, if such city has not provided water and sewer service to such
104 annexed area within three years of the effective date of the annexation, a cause

105 of action shall lie for deannexation, unless the failure to provide such water and
106 sewer service to the annexed area is made unreasonable by an act of God. The
107 cause of action for deannexation may be filed in the circuit court by any resident
108 of the annexed area who is presently residing in the area at the time of the filing
109 of the suit and was a resident of the annexed area at the time the annexation
110 became effective. If the suit for deannexation is successful, the city shall be liable
111 for all court costs and attorney fees.

112 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this
113 section, all cities, towns, and villages located in any county of the first
114 classification with a charter form of government with a population of two hundred
115 thousand or more inhabitants which adjoins a county with a population of nine
116 hundred thousand or more inhabitants shall comply with the provisions of this
117 subsection. If the court authorizes any city, town, or village subject to this
118 subsection to make an annexation, the legislative body of such city, town or
119 village shall not have the power to extend the limits of such city, town, or village
120 by such annexation until an election is held at which the proposition for
121 annexation is approved by a majority of the total votes cast in such city, town, or
122 village and by a separate majority of the total votes cast in the unincorporated
123 territory sought to be annexed; except that:

124 (1) In the case of a proposed annexation in any area which is contiguous
125 to the existing city, town or village and which is within an area designated as
126 flood plain by the Federal Emergency Management Agency and which is
127 inhabited by no more than thirty registered voters and for which a final
128 declaratory judgment has been granted prior to January 1, 1993, approving such
129 annexation and where notarized affidavits expressing approval of the proposed
130 annexation are obtained from a majority of the registered voters residing in the
131 area to be annexed, the area may be annexed by an ordinance duly enacted by the
132 governing body and no elections shall be required; and

133 (2) In the case of a proposed annexation of unincorporated territory in
134 which no qualified electors reside, if at least a majority of the qualified electors
135 voting on the proposition are in favor of the annexation, the city, town or village
136 may proceed to annex the territory and no subsequent election shall be required.
137 If the proposal fails to receive the necessary separate majorities, no part of the
138 area sought to be annexed may be the subject of any other proposal to annex for
139 a period of two years from the date of such election, except that, during the two-
140 year period, the owners of all fee interests of record in the area or any portion of
141 the area may petition the city, town, or village for the annexation of the land
142 owned by them pursuant to the procedures in section 71.012 **or 71.014**. The

143 election shall, if authorized, be held, except as otherwise provided in this section,
144 in accordance with the general state laws governing special elections, and the
145 entire cost of the election or elections shall be paid by the city, town, or village
146 proposing to annex the territory. Failure of the city, town or village to comply in
147 providing services to the area or to zone in compliance with the plan of intent
148 within three years after the effective date of the annexation, unless compliance
149 is made unreasonable by an act of God, shall give rise to a cause of action for
150 deannexation which may be filed in the circuit court **not later than four years**
151 **after the effective date of the annexation** by any resident of the area who
152 was residing in such area at the time the annexation became effective or by any
153 nonresident owner of real property in such area. **Except for a cause of action**
154 **for deannexation under this subdivision (2) of this subsection, any**
155 **action of any kind seeking to deannex from any city, town, or village**
156 **any area annexed under this section, or seeking in any way to reverse,**
157 **invalidate, set aside, or otherwise challenge such annexation or oust**
158 **such city, town, or village from jurisdiction over such annexed area**
159 **shall be brought within five years of the date of the adoption of the**
160 **annexation ordinance.**

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are
2 allowed to grow or accumulate, as the case may be, on any part of any lot or
3 ground within any city, town or village in this state, the owner of the ground, or
4 in case of joint tenancy, tenancy by entireties or tenancy in common, each owner
5 thereof, shall be liable. The marshal or other city official as designated in such
6 ordinance shall give a hearing after ten days' notice thereof, either personally or
7 by United States mail to the owner or owners, or the owner's agents, or by posting
8 such notice on the premises; thereupon, the marshal or other designated city
9 official may declare the weeds or trash to be a nuisance and order the same to be
10 abated within five days; and in case the weeds or trash are not removed within
11 the five days, the marshal or other designated city official shall have the weeds
12 or trash removed, and shall certify the costs of same to the city clerk, who shall
13 cause a special tax bill therefor against the property to be prepared and to be
14 collected by the collector, with other taxes assessed against the property; and the
15 tax bill from the date of its issuance shall be a first lien on the property until
16 paid and shall be prima facie evidence of the recitals therein and of its validity,
17 and no mere clerical error or informality in the same, or in the proceedings
18 leading up to the issuance, shall be a defense thereto. Each special tax bill shall
19 be issued by the city clerk and delivered to the collector on or before the first day
20 of June of each year. Such tax bills if not paid when due shall bear interest at

21 the rate of eight percent per annum. Notwithstanding the time limitations of this
22 section, any city, town or village located in a county of the first classification may
23 hold the hearing provided in this section four days after notice is sent or posted,
24 and may order at the hearing that the weeds or trash shall be abated within five
25 business days after the hearing and if such weeds or trash are not removed
26 within five business days after the hearing, the order shall allow the city to
27 immediately remove the weeds or trash pursuant to this section. Except for lands
28 owned by a public utility, rights-of-way, and easements appurtenant or incidental
29 to lands controlled by any railroad, the department of transportation, the
30 department of natural resources or the department of conservation, the provisions
31 of this subsection shall not apply to any city with a population of at least seventy
32 thousand inhabitants which is located in a county of the first classification with
33 a population of less than one hundred thousand inhabitants which adjoins a
34 county with a population of less than one hundred thousand inhabitants that
35 contains part of a city with a population of three hundred fifty thousand or more
36 inhabitants, any city with a population of one hundred thousand or more
37 inhabitants which is located within a county of the first classification that adjoins
38 no other county of the first classification, or any city, town or village located
39 within a county of the first classification with a charter form of government with
40 a population of nine hundred thousand or more inhabitants, or any city with a
41 population of three hundred fifty thousand or more inhabitants which is located
42 in more than one county, or the City of St. Louis, where such city, town or village
43 establishes its own procedures for abatement of weeds or trash, and such city may
44 charge its costs of collecting the tax bill, including attorney fees, in the event a
45 lawsuit is required to enforce a tax bill.

46 2. Except as provided in subsection 3 of this section, if weeds are allowed
47 to grow, or if trash is allowed to accumulate, on the same property in violation of
48 an ordinance more than once during the same growing season in the case of
49 weeds, or more than once during a calendar year in the case of trash, in any city
50 with a population of three hundred fifty thousand or more inhabitants which is
51 located in more than one county, in the City of St. Louis, in any city, town or
52 village located in a county of the first classification with a charter form of
53 government with a population of nine hundred thousand or more inhabitants, in
54 any fourth class city located in a county of the first classification with a charter
55 form of government and a population of less than three hundred thousand, or in
56 any home rule city with more than one hundred thirteen thousand two hundred
57 but less than one hundred thirteen thousand three hundred inhabitants located
58 in a county with a charter form of government and with more than six hundred

59 thousand but less than seven hundred thousand inhabitants, the marshal or other
60 designated city official may order that the weeds or trash be abated within five
61 business days after notice is sent to or posted on the property. In case the weeds
62 or trash are not removed within the five days, the marshal or other designated
63 city official may have the weeds or trash removed and the cost of the same shall
64 be billed in the manner described in subsection 1 of this section.

65 3. If weeds are allowed to grow, or if trash is allowed to accumulate, on
66 the same property in violation of an ordinance more than once during the same
67 growing season in the case of weeds, or more than once during a calendar year
68 in the case of trash, in any city with a population of three hundred fifty thousand
69 or more inhabitants which is located in more than one county, in the City of St.
70 Louis, in any city, town or village located in a county of the first classification
71 with a charter form of government with a population of nine hundred thousand
72 or more inhabitants, in any fourth class city located in a county of the first
73 classification with a charter form of government and a population of less than
74 three hundred thousand, in any home rule city with more than one hundred
75 thirteen thousand two hundred but less than one hundred thirteen thousand
76 three hundred inhabitants located in a county with a charter form of government
77 and with more than six hundred thousand but less than seven hundred thousand
78 inhabitants, in any third class city with a population of at least ten thousand
79 inhabitants but less than fifteen thousand inhabitants with the greater part of
80 the population located in a county of the first classification, in any city of the
81 third classification with more than sixteen thousand nine hundred but less than
82 seventeen thousand inhabitants, [or] in any city of the third classification with
83 more than eight thousand but fewer than nine thousand inhabitants, **in any city**
84 **of the fourth classification with more than eight thousand but fewer**
85 **than nine thousand inhabitants and located in any county of the third**
86 **classification without a township form of government and with more**
87 **than eighteen thousand but fewer than twenty thousand inhabitants,**
88 **or in any city of the third classification with more than fifteen**
89 **thousand but fewer than seventeen thousand inhabitants and located**
90 **in any county of the first classification with more than sixty-five**
91 **thousand but fewer than seventy-five thousand inhabitants,** the marshal
92 or other designated official may, without further notification, have the weeds or
93 trash removed and the cost of the same shall be billed in the manner described
94 in subsection 1 of this section. The provisions of subsection 2 and this subsection
95 do not apply to lands owned by a public utility and lands, rights-of-way, and
96 easements appurtenant or incidental to lands controlled by any railroad.

97 4. The provisions of this section shall not apply to any city with a
98 population of one hundred thousand or more inhabitants which is located within
99 a county of the first classification that adjoins no other county of the first
100 classification where such city establishes its own procedures for abatement of
101 weeds or trash, and such city may charge its costs of collecting the tax bill,
102 including attorney fees, in the event a lawsuit is required to enforce a tax bill.

**77.675. 1. In addition to the process for passing ordinances
2 provided in section 77.080, the council of any city of the third
3 classification with more than fifteen thousand but fewer than seventeen
4 thousand inhabitants and located in any county of the first
5 classification with more than sixty-five thousand but fewer than
6 seventy-five thousand inhabitants may adopt or repeal any ordinance
7 by passage of a bill that sets forth the ordinance and specifies that the
8 ordinance so proposed shall be submitted to the registered voters of the
9 city at the next municipal election. The bill shall be passed pursuant
10 to the procedures in section 77.080, except that it shall take effect upon
11 approval of a majority of the voters rather than upon the approval and
12 signature of the mayor.**

13 **2. If the mayor approves the bill and signs it, the question shall
14 be submitted to the voters in substantially the following form:**

15 **Shall the following ordinance be (adopted) (repealed)? (Set out
16 ordinance.)**

17 **YES** **NO**

18 **3. If a majority of the voters voting on the proposed ordinance
19 vote in favor, such ordinance shall become a valid and binding
20 ordinance of the city.**

Copy ✓