

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 271

103RD GENERAL ASSEMBLY

0908S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 321.220, RSMo, and to enact in lieu thereof two new sections relating to fire protection ordinances, with penalty provisions.

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

Section A. Section 321.220, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 64.003
3 and 321.220, to read as follows:

**64.003. Notwithstanding any provision of law to the
2 contrary, no fire protection or fire prevention ordinance
3 adopted by any county in this state shall be exercised so as
4 to impose regulations or to require permits with respect to
5 the erection, maintenance, repair, alteration, or extension
6 of farm buildings or farm structures.**

321.220. For the purpose of providing fire protection
2 to the property within the district, the district and, on
3 its behalf, the board shall have the following powers,
4 authority and privileges:

- 5 (1) To have perpetual existence;
- 6 (2) To have and use a corporate seal;
- 7 (3) To sue and be sued, and be a party to suits,
8 actions and proceedings;
- 9 (4) To enter into contracts, franchises and agreements
10 with any person, partnership, association or corporation,
11 public or private, affecting the affairs of the district,

including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the

44 construction, installation, operation and maintenance of
45 district improvements therein;

46 (9) To hire and retain agents, employees, engineers
47 and attorneys, including part-time or volunteer firemen;

48 (10) To have and exercise the power of eminent domain
49 and in the manner provided by law for the condemnation of
50 private property for public use to take any property within
51 the district necessary to the exercise of the powers herein
52 granted;

53 (11) To receive and accept by bequest, gift or
54 donation any kind of property. Notwithstanding any other
55 provision of law to the contrary, any property received by
56 the fire protection district as a gift or any property
57 purchased by the fire protection district at a price below
58 the actual market value of the property may be returned to
59 the donor or resold to the seller if such property is not
60 used for the specific purpose for which it was acquired;

61 (12) To adopt and amend bylaws, fire protection and
62 fire prevention ordinances, and any other rules and
63 regulations not in conflict with the constitution and laws
64 of this state, necessary for the carrying on of the
65 business, objects and affairs of the board and of the
66 district, and refer to the proper authorities for
67 prosecution any infraction thereof detrimental to the
68 district. **However, fire protection and fire prevention**
69 **ordinances shall not be exercised so as to impose**
70 **regulations or to require permits with respect to the**
71 **erection, maintenance, repair, alteration, or extension of**
72 **farm buildings or farm structures.** Any person violating any
73 such ordinance is hereby declared to be guilty of a
74 misdemeanor, and upon conviction thereof shall be punished
75 as is provided by law therefor. The prosecuting attorney

for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and two hundred fifty dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for

108 their spouses and eligible unemancipated children, through
109 either or both a contributory or noncontributory plan. For
110 purposes of this section, "eligible unemancipated child"
111 means a natural or adopted child of an insured, or a
112 stepchild of an insured who is domiciled with the insured,
113 who is less than twenty-three years of age, who is not
114 married, not employed on a full-time basis, not maintaining
115 a separate residence except for full-time students in an
116 accredited school or institution of higher learning, and who
117 is dependent on parents or guardians for at least fifty
118 percent of his or her support. The type and amount of such
119 benefits shall be determined by the board of directors of
120 the fire protection district within the level of available
121 revenues of the pension program and other available revenues
122 of the district. If an employee contributory plan is
123 adopted, then at least one voting member of the board of
124 trustees shall be a member of the fire district elected by
125 the contributing members, which shall not be the same as the
126 board of directors;

127 (16) To contract with any municipality that is
128 contiguous to a fire protection district for the fire
129 protection district to provide fire protection to the
130 municipality for a fee as hereinafter provided;

131 (17) To provide for life insurance, accident,
132 sickness, health, disability, annuity, length of service,
133 pension, retirement and other employee-type fringe benefits,
134 subject to the provisions of section 70.615, for the
135 volunteer members of any organized fire department of the
136 district and such other benefits for their spouses and
137 eligible unemancipated children, through either a
138 contributory or noncontributory plan, or both. For purposes
139 of this section, "eligible unemancipated child" means a

140 natural or adopted child of an insured, or a stepchild of an
141 insured who is domiciled with the insured, who is less than
142 twenty-three years of age, who is not married, not employed
143 on a full-time basis, not maintaining a separate residence
144 except for full-time students in an accredited school or
145 institution of higher learning, and who is dependent on
146 parents or guardians for at least fifty percent of his or
147 her support. The type and amount of such benefits shall be
148 determined by the board of directors of the fire protection
149 district within available revenues of the district,
150 including the pension program of the district. The
151 provision and receipt of such benefits shall not make the
152 recipient an employee of the district. Directors who are
153 also volunteer members may receive such benefits while
154 serving as a director of the district;

155 (18) To contract for services with any rural,
156 volunteer or subscription fire department or organization,
157 or volunteer fire protection association, as defined in
158 section 320.300, for the purpose of providing the benefits
159 described in subdivision (17) of this section.

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