

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Section A. Section 321.220, RSMo, is repealed and two new  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,

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

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

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

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

42 (8) To have the management, control and supervision of  
43 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**  
**ordinances shall not be exercised so as to impose**  
**regulations or to require permits with respect to the**  
**erection, maintenance, repair, alteration, or extension of**  
**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

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

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

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

105 (15) To provide for health, accident, disability and  
106 pension benefits for the salaried members of its organized  
107 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.

✓