

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1553
97TH GENERAL ASSEMBLY

5180H.05T

2014

AN ACT

To repeal sections 50.660, 50.783, 67.281, 72.401, 82.300, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 99.805, 99.825, 162.481, 182.802, 349.045, and 483.140, RSMo, and to enact in lieu thereof nineteen new sections relating to political subdivisions.

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

Section A. Sections 50.660, 50.783, 67.281, 72.401, 82.300, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 99.805, 99.825, 162.481, 182.802, 349.045, and 483.140, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 50.660, 50.783, 67.281, 72.401, 82.300, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 99.805, 99.825, 137.133, 162.481, 182.802, 349.045, 483.140, and 1, to read as follows:

50.660. 1. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five
18 hundred copies per issue, if there is one, except that the advertising is not required in case of
19 contracts or purchases involving an expenditure of less than six thousand dollars. It is not
20 necessary to obtain bids on any purchase in the amount of four thousand five hundred dollars or
21 less made from any one person, firm or corporation during any period of ninety days or, if the
22 county is any county of the first classification with more than one hundred fifty thousand but
23 fewer than two hundred thousand inhabitants, [or] any county of the first classification with more
24 than two hundred sixty thousand but fewer than three hundred thousand inhabitants, **or any**
25 **county with more than seventy-five thousand but fewer than one hundred thousand**
26 **inhabitants and with a city of the fourth classification with more than seventeen thousand**
27 **but fewer than nineteen thousand inhabitants as the county seat**, it is not necessary to obtain
28 bids on such purchases in the amount of six thousand dollars or less. All bids for any contract
29 or purchase may be rejected and new bids advertised for. Contracts which provide that the
30 person contracting with the county or township shall, during the term of the contract, furnish to
31 the county or township at the price therein specified the supplies, materials, equipment or
32 services other than personal therein described, in the quantities required, and from time to time
33 as ordered by the officer in charge of purchasing during the term of the contract, need not bear
34 the certification of the accounting officer, as herein provided; but all orders for supplies,
35 materials, equipment or services other than personal shall bear the certification. In case of such
36 contract, no financial obligation accrues against the county or township until the supplies,
37 materials, equipment or services other than personal are so ordered and the certificate furnished.
38 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
39 advertising shall not be required in any county in the case of contracts or purchases involving an
40 expenditure of less than six thousand dollars.

50.783. 1. The county commission may waive the requirement of competitive bids or
2 proposals for supplies when the commission has determined in writing and entered into the
3 commission minutes that there is only a single feasible source for the supplies. Immediately
4 upon discovering that other feasible sources exist, the commission shall rescind the waiver and
5 proceed to procure the supplies through the competitive processes as described in this chapter.
6 A single feasible source exists when:

7 (1) Supplies are proprietary and only available from the manufacturer or a single
8 distributor; or

9 (2) Based on past procurement experience, it is determined that only one distributor
10 services the region in which the supplies are needed; or

11 (3) Supplies are available at a discount from a single distributor for a limited period of
12 time.

13 2. On any single feasible source purchase where the estimated expenditure is three
14 thousand dollars or over, the commission shall post notice of the proposed purchase. Where the
15 estimated expenditure is five thousand dollars or over, the commission shall also advertise the
16 commission's intent to make such purchase in at least one daily and one weekly newspaper of
17 general circulation in such places as are most likely to reach prospective bidders or offerors and
18 may provide such information through an electronic medium available to the general public at
19 least ten days before the contract is to be let.

20 3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible
21 service purchase by:

22 (1) Any county of the first classification with more than one hundred fifty thousand but
23 fewer than two hundred thousand inhabitants; [or]

24 (2) Any county of the first classification with more than two hundred sixty thousand but
25 fewer than three hundred thousand inhabitants; or

26 (3) **Any county with more than seventy-five thousand but fewer than one hundred**
27 **thousand inhabitants and with a city of the fourth classification with more than seventeen**
28 **thousand but fewer than nineteen thousand inhabitants as the county seat;**

29 where the estimated expenditure is six thousand dollars or over, the commission shall post notice
30 of the proposed purchase and advertise the commission's intent to make such purchase in at least
31 one daily and one weekly newspaper of general circulation in such places as are most likely to
32 reach prospective bidders or offerors and may provide such information through an electronic
33 medium available to the general public at least ten days before the contract is to be let.

67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any
2 purchaser on or before the time of entering into the purchase contract the option, at the
3 purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding
4 any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling
5 or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in
6 such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or
7 resolution by any county or other political subdivision. Any county or other political subdivision
8 shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory
9 option for purchasers to have the right to choose and the requirement that builders offer to

10 purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or
11 two-family dwelling or townhouse. The provisions of this section shall expire on December 31,
12 [2019] **2024**.

13 2. Any governing body of any political subdivision that adopts the 2009 International
14 Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code
15 without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the
16 language in section R317 of the 2006 International Residential Code for two-family dwellings
17 (R317.1) and townhouses (R317.2).

72.401. 1. If a commission has been established pursuant to section 72.400 in any
2 county with a charter form of government where fifty or more cities, towns and villages have
3 been established, any boundary change within the county shall proceed solely and exclusively
4 in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory
5 provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and
7 villages have been established, if the governing body of such county has by ordinance established
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such
9 county shall proceed only as provided in sections 72.400 to 72.423.

10 3. The commission shall be composed of eleven members as provided in this subsection.
11 No member, employee or contractor of the commission shall be an elective official, employee
12 or contractor of the county or of any political subdivision within the county or of any
13 organization representing political subdivisions or officers or employees of political
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this
15 subsection shall appoint persons who shall be residents of their respective locality so described.
16 The appointing authority making the appointments shall be:

17 (1) The chief elected officials of all municipalities wholly within the county which have
18 a population of more than twenty thousand persons, who shall name two members to the
19 commission as prescribed in this subsection each of whom is a resident of a municipality within
20 the county of more than twenty thousand persons;

21 (2) The chief elected officials of all municipalities wholly within the county which have
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one
23 member to the commission as prescribed in this subsection who is a resident of a municipality
24 within the county with a population of twenty thousand or less but more than ten thousand
25 persons;

26 (3) The chief elected officials of all municipalities wholly within the county which have
27 a population of ten thousand persons or less, who shall name one member to the commission as

28 prescribed in this subsection who is a resident of a municipality within the county with a
29 population of ten thousand persons or less;

30 (4) An appointive body consisting of the director of the county department of planning,
31 the president of the municipal league of the county, one additional person designated by the
32 county executive, and one additional person named by the board of the municipal league of the
33 county, which appointive body, acting by a majority of all of its members, shall name three
34 members of the commission who are residents of the county; and

35 (5) The county executive of the county, who shall name four members of the
36 commission, three of whom shall be from the unincorporated area of the county and one of
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be
38 automatically vacated when the commissioner changes his or her residence so as to no longer
39 conform to the terms of the requirements of the commissioner's appointment. The commission
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing
42 a boundary commission, the governing body of the county shall, within ten days, send by United
43 States mail written notice of the passage of the ordinance to the chief elected official of each
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the
47 commission to compile its list of appointees. Each list shall be delivered to the county executive
48 within forty-one days of the passage of such ordinance. The county executive shall appoint
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the
50 time specified, the county executive shall appoint the members using the criteria of subsection
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting
52 of the commission appointed after the effective date of the ordinance, the commissioners shall
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete
59 his term, the respective appointing authority shall appoint such member's successor. Each
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely
61 manner, when a member's term expires or as soon as possible when a member is unable to
62 complete his term. A member whose term has expired shall continue to serve until his successor
63 is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation
65 of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open
66 meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
68 approved by the residential property owners and the governing bodies of the affected
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall
72 not be subject to commission review. Such a boundary adjustment or annexation is not
73 prohibited by the existence of an established unincorporated area.

74 **9. Any annexation of property or defined areas of properties approved by a**
75 **majority of property owners residing thereon and by ordinance of any municipality that**
76 **is a service provider for both the water and sanitary sewer within the municipality shall**
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**
78 **review. Such annexation shall not be prohibited by the existence of an established**
79 **unincorporated area.**

 82.300. 1. Any city with a population of [four] **one** hundred thousand or more
2 inhabitants [which is located in more than one county] may enact all needful ordinances for
3 preserving order, securing persons or property from violence, danger and destruction, protecting
4 public and private property and for promoting the general interests and ensuring the good
5 government of the city, and for the protection, regulation and orderly government of parks,
6 public grounds and other public property of the city, both within and beyond the corporate limits
7 of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for
8 the breach of any provisions of such ordinances and to punish the violation of such ordinances
9 by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed one
10 thousand dollars nor imprisonment exceed twelve months for any such offense, except as
11 provided in subsection 2 of this section.

12 2. Any city with a population of [four] **one** hundred thousand or more inhabitants [which
13 is located in more than one county] which operates a publicly owned treatment works in
14 accordance with an approved pretreatment program pursuant to the federal Clean Water Act, 33
15 U.S.C. 1251, et seq. and chapter 644 may enact all necessary ordinances which require
16 compliance by an industrial user with any pretreatment standard or requirement. Such
17 ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand
18 dollars but not more than five thousand dollars per violation for noncompliance with such
19 pretreatment standards or requirements. For any continuing violation, each day of the violation
20 shall be considered a separate offense.

21 3. Any city with a population of more than [four] **one** hundred thousand inhabitants may
22 enact all needful ordinances to protect public and private property from illegal and unauthorized
23 dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one
24 thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both
25 such fine and imprisonment.

26 4. Any city with a population of more than [four] **one** hundred thousand inhabitants may
27 enact all needful ordinances to protect public and private property from nuisance and property
28 maintenance code violations, and to punish the violation of such ordinances by a fine not to
29 exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense,
30 or by both such fine and imprisonment.

 82.1025. 1. [In] **This section applies to a nuisance located within the boundaries of**
2 any county of the first classification with a charter form of government and a population greater
3 than nine hundred thousand, in any county of the first classification with more than one hundred
4 ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants,
5 in any county of the first classification with more than seventy-three thousand seven hundred but
6 fewer than seventy-three thousand eight hundred inhabitants, in any county of the first
7 classification with more than ninety-three thousand eight hundred but fewer than ninety-three
8 thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one
9 thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants,
10 in any city not within a county and in any city with at least three hundred fifty thousand
11 inhabitants which is located in more than one county[.] .

12 **2.** A parcel of property is a nuisance, if such property adversely affects the property
13 values of a neighborhood **or the property value of any property within the neighborhood**
14 because the owner of such property allows the property to be in a deteriorated condition, due to
15 neglect **or failure to reasonably maintain**, violation of a county or municipal building code [or]
16 , standard, **or ordinance**, abandonment, failure to repair after a fire, flood or some other damage
17 to the property or because the owner or resident of the property allows clutter on the property
18 such as abandoned automobiles, appliances or similar objects. Any property owner who owns
19 property within [a reasonable distance to] **one thousand two hundred feet of** a parcel of
20 property which is alleged to be a nuisance may bring a nuisance action against the offending
21 property owner for the amount of damage created by such [property] **nuisance** to the value of
22 the petitioner's property, **including diminution in value of the petitioner's property**, and court
23 costs, provided that the owner of the property which is alleged to be a nuisance has received
24 notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five
25 days, to correct the alleged nuisance. This section is not intended to abrogate, and shall not be
26 construed as abrogating, any remedy available under the common law of private nuisance.

27 [2. A nuisance] 3. An action for injunctive relief to abate a nuisance under this
28 section may be brought by:

29 (1) Anyone who owns property within one thousand two hundred feet to a property
30 which is alleged to be a nuisance; or

31 (2) By a neighborhood organization, as defined in subdivision (2) of section [32.105]
32 82.1027, [representing] on behalf of any person or persons who own property within the
33 boundaries of the neighborhood or neighborhoods described in the articles of
34 incorporation or bylaws of the neighborhood organization and who could maintain a
35 nuisance action under this section or under the common law of private nuisance, or on its own
36 behalf with respect to a nuisance on property anywhere within the boundaries of the
37 neighborhood or neighborhoods.

38 4. An action shall not be brought under this section until sixty days after the party
39 who brings the action has sent written notice of intent to bring an action under this section,
40 by certified mail, return receipt requested, postage prepaid, to:

41 (1) The tenant, if any, or to "occupant" if the identity of the tenant cannot be
42 reasonably ascertained, at the property's address; and

43 (2) The property owner of record at the last known address of the property owner
44 on file with the county or city, or, if the property owner is a corporation or other type of
45 limited liability company, to the property owner's registered agent at the agent's address
46 of record; that a nuisance exists and that legal action may be taken against the owner of
47 the property. If the notice sent by certified mail is returned unclaimed or refused,
48 designated by the post office to be undeliverable, or signed for by a person other than the
49 addressee, then adequate and sufficient notice may be given to the tenant, if any, and the
50 property owner of record by sending a copy of the notice by regular mail to the address of
51 the property owner or registered agent and posting a copy of the notice on the property
52 where the nuisance allegedly is occurring. A sworn affidavit by the person who mailed or
53 posted the notice describing the date and manner that notice was given shall be prima facie
54 evidence of the giving of such notice. The notice shall specify:

55 (a) The act or condition that constitutes the nuisance;

56 (b) The date the nuisance was first discovered;

57 (c) The address of the property and location on the property where the act or
58 condition that constitutes the nuisance is allegedly occurring or exists; and

59 (d) The relief sought in the action.

60 5. When a neighborhood organization files a suit under this section, an officer of
61 the neighborhood organization or its counsel shall certify to the court:

62 (1) From personal knowledge, that the neighborhood organization has taken the
63 required steps to satisfy the notice requirements under this section; and

64 (2) Based on reasonable inquiry, that each condition precedent to the filing of the
65 action under this section has been met.

66 6. A neighborhood organization may not bring an action under this section if, at
67 the time of filing suit, the neighborhood organization or any of its directors own real estate,
68 or have an interest in a trust or a corporation or other limited liability company that owns
69 real estate, in the city or county in which the nuisance is located with respect to which real
70 property taxes are delinquent or a notice of violation of a city code or ordinance has been
71 issued and served and is outstanding.

72 7. This section is not intended to abrogate, and shall not be construed as
73 abrogating, any remedy available under the common law of private nuisance.

82.1027. As used in sections 82.1027 to [82.1029] **82.1030**, the following terms mean:

2 (1) "[Local] Code or ordinance violation", a violation under the provisions of a [local]
3 municipal code [of general ordinances] or ordinance of any home rule city with more than four
4 hundred thousand inhabitants and located in more than one county, or any city not within a
5 county, which regulates fire prevention, animal control, noise control, property maintenance,
6 building construction, health [and] , safety, neighborhood detriment, sanitation, [and] or
7 nuisances;

8 (2) "Neighborhood organization", [an organization defined in section 32.105] a Missouri
9 not-for-profit corporation whose articles of incorporation or bylaws specify that one of the
10 purposes for which the corporation is organized is the preservation and protection of
11 residential and community property values in a neighborhood or neighborhoods with
12 geographic boundaries that conform to the boundaries of not more than two adjoining
13 neighborhoods recognized by the planning division of the city or county in which the
14 neighborhood or neighborhoods are located provided that the corporation's articles of
15 incorporation or bylaws provide that:

16 (a) The corporation has members;

17 (b) Membership shall be open to all persons who own residential real estate or who
18 reside in the neighborhood or neighborhoods described in the corporation's articles of
19 incorporation or bylaws subject to reasonable restrictions on membership to protect the
20 integrity of the organization; however, membership may not be conditioned upon payment
21 of monetary consideration in excess of twenty-five dollars per year; and

22 (c) Only members who own residential real estate or who reside in the
23 neighborhood or neighborhoods described in the corporation's articles of incorporation
24 or bylaws may elect directors or serve as a director;

25 (3) "Nuisance", within the boundaries of the [community represented by] **neighborhood**
26 **or neighborhoods described in the articles of incorporation or bylaws of** the neighborhood
27 organization, an act or condition knowingly created, performed, [or] maintained, **or permitted**
28 **to exist** on private property that constitutes a [local] code **or ordinance** violation and that[:

29 (a)] significantly affects the other residents of the neighborhood; **and:**

30 [(b)] (a) Diminishes the value of the neighboring property; [and] **or**

31 [(c)] (b) Is injurious to **the** public health, safety, **security**, or welfare of neighboring
32 residents or [obstructs] **businesses; or**

33 (c) **Impairs** the reasonable use **or peaceful enjoyment** of other property in the
34 neighborhood.

82.1028. Sections 82.1027 to [82.1029] **82.1030** apply to a nuisance located within the
2 boundaries of **any city not within a county and** any home rule city with more than four hundred
3 thousand inhabitants and located in more than one county.

82.1029. 1. A neighborhood organization [representing] , **on behalf of a person or**
2 persons [aggrieved by a local code violation] **who own real estate or reside within one**
3 **thousand two hundred feet of a property on which there is a condition or activity**
4 **constituting a code or ordinance violation in the neighborhood or neighborhoods described**
5 **in the articles of incorporation or the bylaws of the neighborhood organization, or on its**
6 **own behalf with respect to a code or ordinance violation on property anywhere within the**
7 **boundaries of the neighborhood or neighborhoods**, may seek injunctive and other equitable
8 relief in the circuit court for abatement of a nuisance upon showing:

9 (1) The notice requirements of this [subsection] **section** have been satisfied; and

10 (2) The nuisance exists and has not been abated.

11 2. An action under this section shall not be brought **until:**

12 (1) [Until] Sixty days after the neighborhood organization sends **written** notice [of the
13 violation and] **by certified mail, return receipt requested, postage prepaid, to the**
14 **appropriate municipal code enforcement agency** of the neighborhood organization's intent to
15 bring an action under this section, [by certified mail, return receipt requested, to the appropriate
16 municipal code enforcement agency] **together with a copy of the notice the neighborhood**
17 **organization sent or attempted to send to the property owner in compliance with**
18 **subdivision (2) of subsection 2 of this section; and**

19 (2) [If the appropriate municipal code enforcement agency has filed an action for
20 equitable relief from the nuisance;

21 (3) [Until] Sixty days after the neighborhood organization sends notice by first class
22 prepaid postage certified mail, **return receipt requested, to:**

23 (a) The tenant, if any, **or to "occupant" if the identity of the tenant cannot be**
24 **reasonably ascertained, at the property's address; and**

25 (b) The property owner of record **at the last known address of the property owner on**
26 **file with the county or city, or, if the property owner is a corporation or other type of**
27 **limited liability company, to the property owner's registered agent at the registered agent's**
28 **address of record;**

29

30 that a nuisance exists and that legal action may be taken if the nuisance is not abated. If the
31 notice sent by certified mail is returned unclaimed or refused, designated by the post office to be
32 undeliverable, or signed for by a person other than the addressee, then adequate and sufficient
33 notice may be given to the tenant, if any, and the property owner of record by sending a copy of
34 the notice by regular mail **to the address of the property owner or registered agent** and
35 posting a copy of notice on the property where the nuisance allegedly is occurring.

36 **3. A sworn affidavit by the person who mailed or posted the notice describing the**
37 **date and manner that notice was given shall be prima facie evidence of the giving of such**
38 **notice.**

39 **4. The notice required by this section shall specify:**

40 [(a)] **(1) The [nature of the alleged] act or condition that constitutes the nuisance;**

41 [(b)] **(2) The date [and time of day] the nuisance was first discovered;**

42 [(c)] **(3) The address of the property and location on the property where the act or**
43 **condition that constitutes the nuisance is allegedly occurring or exists; and**

44 [(d)] **(4) The relief sought in the action.**

45 [3.] **5. In filing a suit under this section, an officer of the neighborhood organization or**
46 **its counsel shall certify to the court:**

47 **(1) From personal knowledge,** that the neighborhood organization has taken the
48 required steps to satisfy the notice requirements under this [subsection] **section; and**

49 **(2) Based on reasonable inquiry,** that each condition precedent to the filing of the
50 action under this section has been met.

51 [4.] **6. An action [shall] may not be brought [against an owner of residential rental**
52 **property unless, prior to giving notice under this section, a notice of violation relating to the**
53 **nuisance first has been issued by an appropriate municipal code enforcement agency and remains**
54 **outstanding after a period of forty-five days] under this section based on an alleged violation**
55 **of a particular code provision or ordinance if there is then pending against the property**
56 **or the owner of the property a notice of violation with respect to such code provision or**
57 **ordinance issued by an appropriate municipal code enforcement agency unless such notice**
58 **of violation has been pending for more than forty-five days and the condition or activity**

59 **that gave rise to the violation has not been abated. This subsection shall not preclude an**
60 **action under this section where the appropriate municipal code enforcement agency has**
61 **declined to issue a notice of violation against the property or the property owner.**

62 **7. A neighborhood organization may not bring an action under this section if, at**
63 **the time of filing suit, the neighborhood organization or any of its directors own real estate,**
64 **or have an interest in a trust or a corporation or other limited liability company that owns**
65 **real estate, in the city or county in which the nuisance is located with respect to which real**
66 **property taxes are delinquent or a notice of violation of a city code or ordinance has been**
67 **issued and served and is outstanding.**

68 [5. (1) If a violation notice issued by an appropriate municipal code enforcement agency
69 is an essential element of the municipal enforcement action, a copy of the notice signed by an
70 official of the appropriate municipal code enforcement agency shall be prima facie evidence of
71 the facts contained in the notice.

72 (2) A notice of abatement issued by the appropriate municipal code enforcement agency
73 in regard to the violation notice shall be prima facie evidence that the plaintiff is not entitled to
74 the relief requested.]

75 **8. A copy of the notice of citation issued by the city that shows the date the citation**
76 **was issued shall be prima facie evidence of whether and for how long a citation has been**
77 **pending against the property or the property owner.**

78 [6.] **9. A proceeding under this section shall:**

79 (1) Be heard at the earliest practicable date; and

80 (2) Be expedited in every way.

82.1030. 1. Subject to subsection 2 of this section, sections 82.1027 to 82.1029 shall not
2 be construed as to abrogate any equitable or legal right or remedy otherwise available under the
3 law to abate a nuisance.

4 2. Sections 82.1027 to 82.1029 shall not be construed as to grant standing for an action[:
5 (1)] challenging any zoning application or approval[;

6 (2) In which the alleged nuisance consists of an interior physical defect of a property; or

7 (3) Involving any violation of municipal alcoholic beverages law].

94.579. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred
3 inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales
4 made within the city which are subject to sales tax under chapter 144. The tax authorized in this
5 section shall not exceed one percent, and shall be imposed solely for the purpose of providing
6 revenues for the operation of public safety departments, including police and fire departments,
7 and for pension programs, and health care for employees and pensioners of the public safety

8 departments. The tax authorized in this section shall be in addition to all other sales taxes
9 imposed by law, and shall be stated separately from all other charges and taxes. The order or
10 ordinance shall not become effective unless the governing body of the city submits to the voters
11 residing within the city at a state general, primary, or special election a proposal to authorize the
12 governing body of the city to impose a tax under this section. If the tax authorized in this section
13 is not approved by the voters, then the city shall have an additional year during which to meet
14 its required contribution payment beyond the time period described in section 105.683. If the
15 city meets its required contribution payment in this time, then, notwithstanding the provisions
16 of section 105.683 to the contrary, the delinquency shall not constitute a lien on the funds of the
17 political subdivision, the board of such plan shall not be authorized to compel payment by
18 application for writ of mandamus, and the state treasurer and the director of the department of
19 revenue shall not withhold twenty-five percent of the certified contribution deficiency from the
20 total moneys due the political subdivision from the state. The one-year extension shall only be
21 available to the city on a one-time basis.

22 2. The ballot of submission for the tax authorized in this section shall be in substantially
23 the following form:

24 Shall (insert the name of the city) impose a sales tax at a rate of (up
25 to one) percent, solely for the purpose of providing revenues for the operation of public safety
26 departments of the city?

27 ☐ YES

☐ NO

28 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
29 to the question, place an "X" in the box opposite "NO".

30

31 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
32 of the question, then the tax shall become effective on the first day of the second calendar quarter
33 immediately following notification to the department of revenue. If a majority of the votes cast
34 on the question by the qualified voters voting thereon are opposed to the question, then the tax
35 shall not become effective unless and until the question is resubmitted under this section to the
36 qualified voters and such question is approved by a majority of the qualified voters voting on the
37 question.

38 3. All revenue collected under this section by the director of the department of revenue
39 on behalf of any city, except for one percent for the cost of collection which shall be deposited
40 in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby
41 created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used
42 solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds,
43 and shall not be commingled with any funds of the state. The director may make refunds from

44 the amounts in the trust fund and credited to the city for erroneous payments and overpayments
45 made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any
46 funds in the special trust fund which are not needed for current expenditures shall be invested
47 in the same manner as other funds are invested. Any interest and moneys earned on such
48 investments shall be credited to the fund. The director shall keep accurate records of the
49 amounts in the fund, and such records shall be open to the inspection of the officers of such city
50 and to the public. Not later than the tenth day of each month, the director shall distribute all
51 moneys deposited in the fund during the preceding month to the city. Such funds shall be
52 deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be
53 by an appropriation ordinance enacted by the governing body of the city.

54 4. On or after the effective date of the tax, the director of revenue shall be responsible
55 for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and
56 32.087 shall apply. In order to permit sellers required to collect and report the sales tax to collect
57 the amount required to be reported and remitted, but not to change the requirements of reporting
58 or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies,
59 the governing body of the city may authorize the use of a bracket system similar to that
60 authorized in section 144.285, and notwithstanding the provisions of that section, this new
61 bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.
62 Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to
63 the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
64 recoverable at law in the same manner as the purchase price. For purposes of this section, all
65 retail sales shall be deemed to be consummated at the place of business of the retailer.

66 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
67 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax,
68 and all exemptions granted to agencies of government, organizations, and persons under sections
69 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The
70 same sales tax permit, exemption certificate, and retail certificate required by sections 144.010
71 to 144.525 for the administration and collection of the state sales tax shall satisfy the
72 requirements of this section, and no additional permit or exemption certificate or retail certificate
73 shall be required; except that, the director of revenue may prescribe a form of exemption
74 certificate for an exemption from the tax. All discounts allowed the retailer under the state sales
75 tax for the collection of and for payment of taxes are hereby allowed and made applicable to the
76 tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are
77 hereby made applicable to violations of this section. If any person is delinquent in the payment
78 of the amount required to be paid under this section, or in the event a determination has been
79 made against the person for the tax and penalties under this section, the limitation for bringing

80 suit for the collection of the delinquent tax and penalties shall be the same as that provided in
81 sections 144.010 to 144.525.

82 6. The governing body of any city that has adopted the sales tax authorized in this section
83 may submit the question of repeal of the tax to the voters on any date available for elections for
84 the city. The ballot of submission shall be in substantially the following form:

85 Shall (insert the name of the city) repeal the sales tax imposed
86 at a rate of (up to one) percent for the purpose of providing revenues for the operation of
87 public safety departments of the city?

88 ☐ YES ☐ NO

89 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
90 to the question, place an "X" in the box opposite "NO".

91

92 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
93 of repeal, that repeal shall become effective on December thirty-first of the calendar year in
94 which such repeal was approved.

95

96 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed
97 to the repeal, then the sales tax authorized in this section shall remain effective until the question
98 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
99 of the qualified voters voting on the question.

100 7. The governing body of any city that has adopted the sales tax authorized in this section
101 shall submit the question of [repeal] **continuation** of the tax to the voters every five years from
102 the date of its inception on a date available for elections for the city. The ballot of submission
103 shall be in substantially the following form:

104 Shall (insert the name of the city) [repeal the] **continue**
105 **collecting a** sales tax imposed at a rate of (up to one) percent for the purpose of
106 providing revenues for the operation of public safety departments of the city?

107 ☐ YES ☐ NO

108 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
109 to the question, place an "X" in the box opposite "NO".

110

111 If a majority of the votes cast on the question by the qualified voters voting thereon are [in favor
112 of repeal, that] **opposed to continuation**, repeal shall become effective on December thirty-first
113 of the calendar year in which such [repeal was] **continuation was failed to be** approved. If a
114 majority of the votes cast on the question by the qualified voters voting thereon are [opposed to
115 the repeal] **in favor of continuation**, then the sales tax authorized in this section shall remain

116 effective until the question is resubmitted under this section to the qualified voters and [the
117 repeal is] **continuation fails to be** approved by a majority of the qualified voters voting on the
118 question.

119 8. Whenever the governing body of any city that has adopted the sales tax authorized in
120 this section receives a petition, signed by a number of registered voters of the city equal to at
121 least two percent of the number of registered voters of the city voting in the last gubernatorial
122 election, calling for an election to repeal the sales tax imposed under this section, the governing
123 body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes
124 cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal
125 shall become effective on December thirty-first of the calendar year in which such repeal was
126 approved. If a majority of the votes cast on the question by the qualified voters voting thereon
127 are opposed to the repeal, then the sales tax authorized in this section shall remain effective until
128 the question is resubmitted under this section to the qualified voters and the repeal is approved
129 by a majority of the qualified voters voting on the question.

130 9. If the tax is repealed or terminated by any means, all funds remaining in the special
131 trust fund shall continue to be used solely for the designated purposes, and the city shall notify
132 the director of the department of revenue of the action at least ninety days before the effective
133 date of the repeal and the director may order retention in the trust fund, for a period of one year,
134 of two percent of the amount collected after receipt of such notice to cover possible refunds or
135 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
136 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
137 city, the director shall remit the balance in the account to the city and close the account of that
138 city. The director shall notify each city of each instance of any amount refunded or any check
139 redeemed from receipts due the city.

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Blighted area", an area which, by reason of the predominance of defective or
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, morals, or welfare in its present condition and use;

9 (2) "Collecting officer", the officer of the municipality responsible for receiving and
10 processing payments in lieu of taxes or economic activity taxes from taxpayers or the department
11 of revenue;

12 (3) "Conservation area", any improved area within the boundaries of a redevelopment
13 area located within the territorial limits of a municipality in which fifty percent or more of the
14 structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted
15 area but is detrimental to the public health, safety, morals, or welfare and may become a blighted
16 area because of any one or more of the following factors: dilapidation; obsolescence;
17 deterioration; illegal use of individual structures; presence of structures below minimum code
18 standards; abandonment; excessive vacancies; overcrowding of structures and community
19 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land
20 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of
21 community planning. A conservation area shall meet at least three of the factors provided in this
22 subdivision for projects approved on or after December 23, 1997;

23 (4) "Economic activity taxes", the total additional revenue from taxes which are imposed
24 by a municipality and other taxing districts, and which are generated by economic activities
25 within a redevelopment area over the amount of such taxes generated by economic activities
26 within such redevelopment area in the calendar year prior to the adoption of the ordinance
27 designating such a redevelopment area, while tax increment financing remains in effect, but
28 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by
29 transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment
30 projects or redevelopment plans approved after December 23, 1997, if a retail establishment
31 relocates within one year from one facility to another facility within the same county and the
32 governing body of the municipality finds that the relocation is a direct beneficiary of tax
33 increment financing, then for purposes of this definition, the economic activity taxes generated
34 by the retail establishment shall equal the total additional revenues from economic activity taxes
35 which are imposed by a municipality or other taxing district over the amount of economic
36 activity taxes generated by the retail establishment in the calendar year prior to its relocation to
37 the redevelopment area;

38 (5) "Economic development area", any area or portion of an area located within the
39 territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and
40 (3) of this section, and in which the governing body of the municipality finds that redevelopment
41 will not be solely used for development of commercial businesses which unfairly compete in the
42 local economy and is in the public interest because it will:

43 (a) Discourage commerce, industry or manufacturing from moving their operations to
44 another state; or

45 (b) Result in increased employment in the municipality; or

46 (c) Result in preservation or enhancement of the tax base of the municipality;

47 (6) "Gambling establishment", an excursion gambling boat as defined in section 313.800
48 and any related business facility including any real property improvements which are directly and
49 solely related to such business facility, whose sole purpose is to provide goods or services to an
50 excursion gambling boat and whose majority ownership interest is held by a person licensed to
51 conduct gambling games on an excursion gambling boat or licensed to operate an excursion
52 gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable
53 only to a redevelopment area designated by ordinance adopted after December 23, 1997;

54 (7) "Greenfield area", any vacant, unimproved, or agricultural property that is located
55 wholly outside the incorporated limits of a city, town, or village, or that is substantially
56 surrounded by contiguous properties with agricultural zoning classifications or uses unless said
57 property was annexed into the incorporated limits of a city, town, or village ten years prior to the
58 adoption of the ordinance approving the redevelopment plan for such greenfield area;

59 (8) "Municipality", a city, village, or incorporated town or any county of this state. For
60 redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies
61 only to cities, villages, incorporated towns or counties established for at least one year prior to
62 such date;

63 (9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences
64 of indebtedness issued by a municipality to carry out a redevelopment project or to refund
65 outstanding obligations;

66 (10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village
67 or a county or an order of the governing body of a county whose governing body is not
68 authorized to enact ordinances;

69 (11) "Payment in lieu of taxes", those estimated revenues from real property in the area
70 selected for a redevelopment project, which revenues according to the redevelopment project or
71 plan are to be used for a private use, which taxing districts would have received had a
72 municipality not adopted tax increment allocation financing, and which would result from levies
73 made after the time of the adoption of tax increment allocation financing during the time the
74 current equalized value of real property in the area selected for the redevelopment project
75 exceeds the total initial equalized value of real property in such area until the designation is
76 terminated pursuant to subsection 2 of section 99.850;

77 (12) "Redevelopment area", an area designated by a municipality, in respect to which the
78 municipality has made a finding that there exist conditions which cause the area to be classified
79 as a blighted area, a conservation area, an economic development area, an enterprise zone
80 pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only
81 those parcels of real property directly and substantially benefitted by the proposed redevelopment
82 project;

83 (13) "Redevelopment plan", the comprehensive program of a municipality for
84 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
85 conditions, the existence of which qualified the redevelopment area as a blighted area,
86 conservation area, economic development area, or combination thereof, and to thereby enhance
87 the tax bases of the taxing districts which extend into the redevelopment area. Each
88 redevelopment plan shall conform to the requirements of section 99.810;

89 (14) "Redevelopment project", any development project within a redevelopment area in
90 furtherance of the objectives of the redevelopment plan; any such redevelopment project shall
91 include a legal description of the area selected for the redevelopment project;

92 (15) "Redevelopment project costs" include the sum total of all reasonable or necessary
93 costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan
94 or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

95 (a) Costs of studies, surveys, plans, and specifications;

96 (b) Professional service costs, including, but not limited to, architectural, engineering,
97 legal, marketing, financial, planning or special services. Except the reasonable costs incurred
98 by the commission established in section 99.820 for the administration of sections 99.800 to
99 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be
100 included in the costs of a redevelopment plan or project;

101 (c) Property assembly costs, including, but not limited to[,] :

102 a. Acquisition of land and other property, real or personal, or rights or interests therein[,]

103 **; and**

104 b. Demolition of buildings, and the clearing and grading of land;

105 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings
106 and fixtures;

107 (e) Initial costs for an economic development area;

108 (f) Costs of construction of public works or improvements;

109 (g) Financing costs, including, but not limited to, all necessary and incidental expenses
110 related to the issuance of obligations, and which may include payment of interest on any
111 obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period
112 of construction of any redevelopment project for which such obligations are issued and for not
113 more than eighteen months thereafter, and including reasonable reserves related thereto;

114 (h) All or a portion of a taxing district's capital costs resulting from the redevelopment
115 project necessarily incurred or to be incurred in furtherance of the objectives of the
116 redevelopment plan and project, to the extent the municipality by written agreement accepts and
117 approves such costs;

- 118 (i) Relocation costs to the extent that a municipality determines that relocation costs shall
119 be paid or are required to be paid by federal or state law;
- 120 (j) Payments in lieu of taxes;
- 121 (16) "Special allocation fund", the fund of a municipality or its commission which
122 contains at least two separate segregated accounts for each redevelopment plan, maintained by
123 the treasurer of the municipality or the treasurer of the commission into which payments in lieu
124 of taxes are deposited in one account, and economic activity taxes and other revenues are
125 deposited in the other account;
- 126 (17) "Taxing districts", any political subdivision of this state having the power to levy
127 taxes;
- 128 (18) "Taxing districts' capital costs", those costs of taxing districts for capital
129 improvements that are found by the municipal governing bodies to be necessary and to directly
130 result from the redevelopment project; and
- 131 (19) "Vacant land", any parcel or combination of parcels of real property not used for
132 industrial, commercial, or residential buildings.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the
3 commission shall fix a time and place for a public hearing as required in subsection 4 of section
4 99.820 and notify each taxing district located wholly or partially within the boundaries of the
5 proposed redevelopment area, plan or project. At the public hearing any interested person or
6 affected taxing district may file with the commission written objections to, or comments on, and
7 may be heard orally in respect to, any issues embodied in the notice. The commission shall hear
8 and consider all protests, objections, comments and other evidence presented at the hearing. The
9 hearing may be continued to another date without further notice other than a motion to be entered
10 upon the minutes fixing the time and place of the subsequent hearing; provided, if the
11 commission is created under subsection 3 of section 99.820, the hearing shall not be continued
12 for more than thirty days beyond the date on which it is originally opened unless such longer
13 period is requested by the chief elected official of the municipality creating the commission and
14 approved by a majority of the commission. Prior to the conclusion of the hearing, changes may
15 be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that
16 each affected taxing district is given written notice of such changes at least seven days prior to
17 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance
18 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,
19 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas
20 without a further hearing, if such changes do not enlarge the exterior boundaries of the
21 redevelopment area or areas, and do not substantially affect the general land uses established in

22 the redevelopment plan or substantially change the nature of the redevelopment projects,
23 provided that notice of such changes shall be given by mail to each affected taxing district and
24 by publication in a newspaper of general circulation in the area of the proposed redevelopment
25 not less than ten days prior to the adoption of the changes by ordinance. After the adoption of
26 an ordinance approving a redevelopment plan or redevelopment project, or designating a
27 redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the
28 general land uses established pursuant to the redevelopment plan or changing the nature of the
29 redevelopment project without complying with the procedures provided in this section pertaining
30 to the initial approval of a redevelopment plan or redevelopment project and designation of a
31 redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or
32 redevelopment plan may be held simultaneously.

33 2. [Effective January 1, 2008,] If, after concluding the hearing required under this
34 section, the commission makes a recommendation under section 99.820 in opposition to a
35 proposed redevelopment plan, redevelopment project, or designation of a redevelopment area,
36 or any amendments thereto, a municipality desiring to approve such project, plan, designation,
37 or amendments shall do so only upon a two-thirds majority vote of the governing body of such
38 municipality. **For plans, projects, designations, or amendments approved by a municipality**
39 **over the recommendation in opposition by a commission located in any county of the first**
40 **classification with more than one hundred fifty thousand but fewer than two hundred**
41 **thousand inhabitants, the economic activity taxes and payments in lieu of taxes generated**
42 **by such plan, project, designation, or amendment shall not exceed the costs associated with**
43 **those contained in subparagraph b of paragraph (c) of subdivision (15) of section 99.805**
44 **per redevelopment project.**

45 3. Tax incremental financing projects within an economic development area shall apply
46 to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,
47 traffic control systems and devices, water distribution and supply systems, curbing, sidewalks
48 and any other similar public improvements, but in no case shall it include buildings.

137.133. In any county with a charter form of government and with more than nine
2 **hundred fifty thousand inhabitants, any correspondence by the assessor with a taxpayer**
3 **requesting information from the taxpayer shall include the following statement in bold,**
4 **fourteen point font: "Disclosure of information requested on this document is voluntary**
5 **and not required by law. Any information disclosed may become public record." The**
6 **provisions of this section shall not apply to requests for information required to be**
7 **disclosed under sections 137.092 and 137.155.**

162.481. 1. Except as otherwise provided in this section, all elections of school directors
2 in urban districts shall be held biennially at the same times and places as municipal elections.

3 2. In any urban district which includes all or the major part of a city which first obtained
4 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
5 decennial census, elections of directors shall be held on municipal election days of
6 even-numbered years. The directors of the prior district shall continue as directors of the urban
7 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,
8 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
9 district who were elected in 1960 and two for terms of six years to succeed the two directors of
10 the prior district who were elected in 1961. The successors of these directors shall be elected for
11 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
12 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
13 their successors shall be elected for terms of six years. No director shall serve more than two
14 consecutive six-year terms after October 13, 1963.

15 3. Except as otherwise provided in subsections 4 and 5 of this section, hereafter when
16 a seven-director district becomes an urban district, the directors of the prior seven-director
17 district shall continue as directors of the urban district until the expiration of the terms for which
18 they were elected and until their successors are elected as provided in this subsection. The first
19 biennial school election for directors shall be held in the urban district at the time provided in
20 subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors
21 of the prior district which are first to expire, and directors shall be elected to succeed the
22 directors of the prior district whose terms have expired. If the terms of two directors only have
23 expired, the directors elected at the first biennial school election in the urban district shall be
24 elected for terms of six years. If the terms of four directors have expired, two directors shall be
25 elected for terms of six years and two shall be elected for terms of four years. At the next
26 succeeding biennial election held in the urban district, successors for the remaining directors of
27 the prior seven-director district shall be elected. If only two directors are to be elected they shall
28 be elected for terms of six years each. If four directors are to be elected, two shall be elected for
29 terms of six years and two shall be elected for terms of two years. After seven directors of the
30 urban district have been elected under this subsection, their successors shall be elected for terms
31 of six years.

32 4. In any school district in any [city with a population of one hundred thousand or more
33 inhabitants which is located within a county of the first classification that adjoins no other county
34 of the first classification] **home rule city with more than one hundred fifty-five thousand but**
35 **fewer than two hundred thousand inhabitants**, or any school district which becomes an urban
36 school district by reason of the 2000 federal decennial census, elections shall be held annually
37 at the same times and places as general municipal elections for all years where one or more terms

38 expire, and the terms shall be for three years and until their successors are duly elected and
39 qualified for all directors elected on and after August 28, 1998.

40 5. In any school district in any county with a charter form of government and with more
41 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
42 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
43 be held annually at the same times and places as general municipal elections for all years where
44 one or more terms expire, and the terms shall be for three years and until their successors are
45 duly elected and qualified for all directors elected on and after April 2, 2012.

182.802. 1. (1) Any public library district located in any of the following counties may
2 impose a tax as provided in this section:

3 (a) At least partially within any county of the third classification without a township form
4 of government and with more than forty thousand eight hundred but fewer than forty thousand
5 nine hundred inhabitants;

6 (b) Any county of the third classification without a township form of government and
7 with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred
8 inhabitants;

9 (c) Any county of the third classification without a township form of government and
10 with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred
11 inhabitants;

12 (d) Any county of the third classification with a township form of government and with
13 more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight
14 hundred inhabitants;

15 (e) Any county of the second classification with more than nineteen thousand seven
16 hundred but fewer than nineteen thousand eight hundred inhabitants;

17 (f) Any county of the third classification with a township form of government and with
18 more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred
19 inhabitants;

20 (g) Any county of the third classification without a township form of government and
21 with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of
22 the third classification with more than six thousand but fewer than seven thousand inhabitants
23 as the county seat;

24 **(h) Any county of the fourth classification with more than twenty thousand but**
25 **fewer than thirty thousand inhabitants.**

26 (2) Any public library district listed in subdivision (1) of this subsection may, by a
27 majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all
28 retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the

29 operation and maintenance of public libraries within the boundaries of such library district. The
30 tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax
31 under this subsection shall become effective unless the board of directors submits to the voters
32 of the district, at a county or state general, primary or special election, a proposal to authorize
33 the tax, and such tax shall become effective only after the majority of the voters voting on such
34 tax approve such tax.

35 2. In the event the district seeks to impose a sales tax under this subsection, the question
36 shall be submitted in substantially the following form:

37 Shall a cent sales tax be levied on all retail sales within the district for the purpose
38 of providing funding for library district?

39 ☐ YES ☐ NO

40 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
41 of the proposal, then the tax shall become effective. If a majority of the votes cast by the
42 qualified voters voting are opposed to the proposal, then the board of directors shall have no
43 power to impose the tax unless and until another proposal to authorize the tax is submitted to the
44 voters of the district and such proposal is approved by a majority of the qualified voters voting
45 thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this
46 subsection.

47 3. As used in this section, "qualified voters" or "voters" means any individuals residing
48 within the district who are eligible to be registered voters and who have registered to vote under
49 chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed
50 district, all of the owners of real property located within the proposed district who have
51 unanimously petitioned for or consented to the adoption of an ordinance by the governing body
52 imposing a tax authorized in this section. If the owner of the property within the proposed
53 district is a political subdivision or corporation of the state, the governing body of such political
54 subdivision or corporation shall be considered the owner for purposes of this section.

55 4. For purposes of this section the term "public library district" shall mean any city
56 library district, county library district, city-county library district, municipal library district,
57 consolidated library district, or urban library district.

349.045. 1. Except as provided in subsection 2 of this section, the corporation shall have
2 a board of directors in which all the powers of the corporation shall be vested and which shall
3 consist of any number of directors, not less than five, all of whom shall be duly qualified electors
4 of and taxpayers in the county or municipality; except that, for any industrial development
5 corporation formed by any municipality located wholly within any county of the second, third,
6 or fourth classification **or any county of the first classification with more than sixty-five**
7 **thousand but fewer than seventy-five thousand inhabitants**, directors may be qualified

8 taxpayers in and registered voters of such county. The directors shall serve as such without
9 compensation except that they shall be reimbursed for their actual expenses incurred in and about
10 the performance of their duties hereunder. The directors shall be resident taxpayers for at least
11 one year immediately prior to their appointment. No director shall be an officer or employee of
12 the county or municipality. All directors shall be appointed by the chief executive officer of the
13 county or municipality with the advice and consent of a majority of the governing body of the
14 county or municipality, and in all counties, other than a city not within a county and counties
15 with a charter form of government, the appointments shall be made by the county commission
16 and they shall be so appointed that they shall hold office for staggered terms. At the time of the
17 appointment of the first board of directors the governing body of the municipality or county shall
18 divide the directors into three groups containing as nearly equal whole numbers as may be
19 possible. The first term of the directors included in the first group shall be two years, the first
20 term of the directors included in the second group shall be four years, the first term of the
21 directors in the third group shall be six years; provided, that if at the expiration of any term of
22 office of any director a successor thereto shall not have been appointed, then the director whose
23 term of office shall have expired shall continue to hold office until a successor shall be appointed
24 by the chief executive officer of the county or municipality with the advice and consent of a
25 majority of the governing body of the county or municipality. The successors shall be resident
26 taxpayers for at least one year immediately prior to their appointment.

27 2. A corporation in a county of the third classification without a township form of
28 government and with more than ten thousand four hundred but fewer than ten thousand five
29 hundred inhabitants shall have a board of directors in which all the powers of the corporation
30 shall be vested and which shall consist of a number of directors not less than the number of
31 townships in such county. All directors shall be duly qualified electors of and taxpayers in the
32 county. Each township within the county shall elect one director to the board. Additional
33 directors may be elected to the board to succeed directors appointed to the board as of the
34 effective date of this section if the number of directors on the effective date of this section
35 exceeds the number of townships in the county. The directors shall serve as such without
36 compensation except that they shall be reimbursed for their actual expenses incurred in the
37 performance of their duties. The directors shall be resident taxpayers for at least one year
38 immediately prior to their election. No director shall be an officer or employee of the county.
39 Upon the expiration of the term of office of any director appointed to the board prior to the
40 effective date of this section, a director shall be elected to succeed him or her; provided that if
41 at the expiration of any term of office of any director a successor thereto shall not have been
42 elected, then the director whose term of office shall have expired shall continue to hold office

43 until a successor shall be elected. The successors shall be resident taxpayers for at least one year
44 immediately prior to their election.

483.140. It shall be the special duty of every judge of a court of record to examine into
2 and superintend the manner in which the rolls and records of the court are made up and kept; to
3 prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the
4 business of the court; to require that the records and files be properly maintained and entries be
5 made at the proper times as required by law or supreme court rule, and that the duties of the
6 clerks be performed according to law and supreme court rule; and if any clerk fail to comply with
7 the law, the court shall proceed against him as for a misdemeanor. **The provisions of this**
8 **section shall not be construed to permit the adoption of any local court rule that grants a**
9 **judge the discretion to remove or direct the removal of any pleading, file, or**
10 **communication from a court file or record without notification to the parties and providing**
11 **the parties an opportunity to respond.**

Section 1. No action shall be brought under section 82.1025 or sections 82.1027 to
2 **82.1030 if the owner of the property that is the subject of the action is in good faith**
3 **compliance with any order issued by the department of natural resources, the United**
4 **States Environmental Protection Agency, or the office of attorney general.**

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