

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 441, Page 1, Section A, Line 3, by
2 inserting after said line the following:

3
4 "64.805. The county planning commission shall consist of the county highway engineer, and
5 one resident of the county appointed by the county commission, from the unincorporated
6 part of each township in the county, except that no such person shall be appointed from a
7 township in which there is no unincorporated area. The township representatives are
8 hereinafter referred to as appointed members. The term of each appointed member shall be
9 four years or until a successor takes office, except that the terms shall be overlapping and
10 that the respective terms of the members first appointed may be less than four years. The
11 term of the county highway engineer shall be only for the duration of the engineer's tenure of
12 official position. All members of the county planning commission shall serve as such
13 without compensation, except that an attendance fee as reimbursement for expenses may be
14 paid to the appointed members of the county planning commission in an amount, as set by
15 the county commission, not to exceed ~~twenty-five~~ seventy-five dollars per meeting. The
16 planning commission shall elect its chairman, who shall serve for one year.

17 64.870. 1. (1) Any county commission which appointed a county zoning commission and
18 which has adopted a zoning plan, as provided in sections 64.800 to 64.905, shall appoint a county
19 board of zoning adjustment.

20 (2) The board shall consist of five residents of the county, but not more than two shall be
21 residents of the incorporated area of the county and not more than one may be a member of the
22 county zoning commission. The membership of the first board appointed shall serve respectively:
23 one for one year, one for two years, one for three years, and two for four years. Thereafter members
24 shall be appointed for terms of four years each. Members shall be removable for cause by the
25 county commission upon written charges and after public hearings. Vacancies shall be filled by the
26 county commission for the unexpired term of any member whose term becomes vacant. The board
27 of zoning adjustment shall elect its own chairman and shall adopt rules of procedure consistent with
28 the provisions of the zoning regulations and the provisions of sections 64.845 to 64.880. The
29 chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of
30 witnesses.

31 (3) All members of the county board of zoning adjustment shall serve as such without
32 compensation, except that an attendance fee as reimbursement for expenses may be paid to the
33 appointed members of the county planning commission in an amount set by the county commission,
34 not to exceed seventy-five dollars per meeting. For any member of the county planning commission
35 who is also a member of the board of zoning adjustment, only one attendance fee shall be paid if the
36 board and commission meet on the same day.

Action Taken _____ Date _____

(4) All meetings of the board of zoning adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public record.

(5) Appeals to the board of zoning adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a county zoning ordinance. The appeals shall be taken within a period of not more than three months, and in the manner provided by the rules of the board. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The board of adjustment shall have the following powers and it shall be its duty:

~~[(1)]~~ (a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

~~[(2)]~~ (b) To hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the county commission as herein provided;

~~[(3)]~~ (c) Where, by reason of exceptional narrowness, shallowness, shape or topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

2. In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the board of adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases."; and

Further amends said bill, Page 5, Section 105.145, Line 145, by inserting after said line the following:

"230.205. 1. The alternative county highway commission provided by sections 230.200 to 230.260 shall not become operative in any county unless adopted by a vote of the majority of the voters of the county voting upon the question at an election. All counties of this state which have adopted the alternative county highway commission may abolish it ~~and return to the county~~

1 ~~highway commission provided for by sections 230.010 to 230.110]~~ by submitting the question to a
 2 vote of the voters of the county in the manner provided by law or by a vote of the governing body.

3 2. Any county which does not adopt the alternative county highway commission provided
 4 by sections 230.200 to 230.260, or any county in which ~~[a majority of the voters of the county~~
 5 ~~voting upon the question reject]~~ the alternative county highway commission provided by sections
 6 230.200 to 230.260 is abolished shall [retain] adopt either the county highway commission provided
 7 by sections 230.010 to 230.110 or the provisions of sections 231.010 to 231.130."; and

8
 9 Further amend said bill, Page 6, Section 316.250, Line 44, by inserting after said line the following:

10
 11 "537.328. 1. As used in this section, the following terms mean:

12 (1) "Camping", all aspects of visiting, staying at, using,
 13 and leaving a private campground, including lodging of all
 14 types;

15 (2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral
 16 part of camping including, but not limited to, the following:

17 (a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious
 18 agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

19 (b) Uneven and unpredictable terrain;

20 (c) Natural bodies of water and accessories permitting the use of natural bodies of water,
 21 including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

22 (d) A lack of lighting, including lighting at campsites;

23 (e) Campfires contained in or outside a fire pit or an enclosure provided by the private
 24 campground, bonfires, grass or brush fires, wildfires, and forest fires;

25 (f) Weather and weather-related events;

26 (g) Insects, birds, and other wildlife;

27 (h) Animals of other campers or visitors that cause injury, unless the private campground
 28 owner or an employee or officer of the private campground owner has accepted responsibility for
 29 care of the animal;

30 (i) A violation of safety rules or a disregard for signs or other methods of communicating
 31 warnings;

32 (j) Another camper or visitor at the private campground acting in a negligent manner, if the
 33 private campground owner or an employee or officer of the private campground owner is not
 34 involved;

35 (k) Actions by a camper or visitor that exceed his or her physical limitations or abilities;

36 (l) Actions by a camper or visitor involving climbing,
 37 rappeling, caving, mountaineering, or any other related activity;

38 (m) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by
 39 the private campground owner or employee or officer of a private campground owner; and

40 (n) Any person coming onto the campsite not reported to the private campground owner or
 41 an employee or officer of the private campground owner;

42 (3) "Private campground", any parcel or tract of land, including buildings and other
 43 structures, that is owned or operated by a private property owner where five or more campsites are
 44 made available for use as temporary living quarters for recreational, camping, travel, or seasonal
 45 use. The term "private campground" shall also include recreational vehicle parks.

46 2. Except as provided in subsection 4 of this section, a private campground owner or an
 47 employee or officer of a private campground owner shall not be liable for acts or omissions related
 48 to camping at a private campground if a person is injured or killed or property is damaged as a result
 49 of an inherent risk of camping.

1 3. This section shall not apply to any employer-employee relationship governed by the
2 provisions of chapter 287.

3 4. The provisions of subsection 2 of this section shall not prevent or limit liability of a
4 private campground owner or an employee or officer of a private campground owner who:

5 (1) Intentionally causes the injury, death, or property damage;

6 (2) Acts with a willful or wanton disregard for the safety of the person or property damaged.
7 As used in this subdivision, "willful and wanton" means conduct committed with an intentional or
8 reckless disregard for the safety of others;

9 (3) Fails to use that degree of care that an ordinarily careful and prudent person would use
10 under the same or similar circumstances; or

11 (4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition
12 known to the owner of the private campground, or his or her employees or officers, on the property
13 that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the
14 owner, employee, or officer is aware of the condition by reason of a prior injury involving the same
15 location or the same mechanism of injury.

16 Such warning signs shall appear in black letters on a white background with each letter to be a
17 minimum of one inch in height.

18 5. Every written contract entered into by a private campground owner or an employee or
19 officer of a private campground owner shall contain, in clearly readable print, the warning notice
20 specified in this subsection. The signs described in subdivision (4) of subsection 4 of this section
21 and contracts described in this subsection shall contain the following warning notice:

22 "WARNING

23 Under Missouri law, a private campground owner or an employee or officer of a private
24 campground owner is not liable for an injury to or the death of a person or any property damage
25 resulting from the inherent risks of camping under the Revised Statutes of Missouri.".; and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.