

SECOND REGULAR SESSION

HOUSE BILL NO. 2858

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COSTLOW.

5422H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 67.140 and 442.404, RSMo, and to enact in lieu thereof two new sections relating to non-nuisance domesticated animals for consumption.

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

Section A. Sections 67.140 and 442.404, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 67.140 and 442.404, to read as follows:

67.140. 1. No political subdivision of the state nor any local government, city or
2 county, or any agency, authority, board, commission, department, or officer thereof[;] shall
3 enact any ordinance or promulgate or issue any regulation, rule, policy, guideline, or
4 proclamation describing the relationship between persons and domestic animals as other than
5 persons may or can own domestic animals.

6 **2. No political subdivision of the state nor any local government, city or county,**
7 **or any agency, authority, board, commission, department, or officer thereof shall enact**
8 **any ordinance or promulgate or issue any regulation, rule, policy, guideline, or**
9 **proclamation that prohibit or have the effect of prohibiting ownership or pasturing of**
10 **non-nuisance animals for personal consumption on a lot that is one-third of an acre or**
11 **larger, including prohibitions against a single enclosure designed to safely and humanely**
12 **house up to eight animals. Such entity may enact reasonable ordinances or adopt**
13 **reasonable regulations, rules, polices, guidelines, or proclamations regarding ownership**
14 **or pasturing of non-nuisance animals, including a prohibition or restriction on**
15 **ownership or pasturing of roosters.**

16 **3. For purposes of this section, "non-nuisance domesticated animals for**
17 **consumption" means domesticated animals generally raised for meat, milk, or other**

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.

18 **consumable product that do not produce unreasonable odor, noise, or safety hazard for**
19 **surrounding properties. Such term includes, but is not limited to, chickens, rabbits, and**
20 **quail.**

442.404. 1. As used in this section, the following terms shall mean:

2 (1) "Homeowners' association", a nonprofit corporation or unincorporated association
3 of homeowners created under a declaration to own and operate portions of a planned
4 community or other residential subdivision that has the power under the declaration to assess
5 association members to pay the costs and expenses incurred in the performance of the
6 association's obligations under the declaration or tenants-in-common with respect to the
7 ownership of common ground or amenities of a planned community or other residential
8 subdivision. This term shall not include a condominium unit owners' association as defined
9 and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

10 (2) **"Non-nuisance domesticated animals for consumption", domesticated**
11 **animals generally raised for meat, milk, or other consumable product that do not**
12 **produce unreasonable odor, noise, or safety hazard for surrounding properties. Such**
13 **term includes, but is not limited to, chickens, rabbits, and quail;**

14 (3) "Political signs", any fixed, ground-mounted display in support of or in opposition
15 to a person seeking elected office or a ballot measure excluding any materials that may be
16 attached;

17 [~~3~~] (4) "Solar panel or solar collector", a device used to collect and convert solar
18 energy into electricity or thermal energy, including but not limited to photovoltaic cells or
19 panels, or solar thermal systems.

20 2. (1) No deed restrictions, covenants, or similar binding agreements running with
21 the land shall prohibit or have the effect of prohibiting the display of political signs.

22 (2) A homeowners' association has the authority to adopt reasonable rules, subject to
23 any applicable statutes or ordinances, regarding the time, size, place, number, and manner of
24 display of political signs.

25 (3) A homeowners' association may remove a political sign without liability if such
26 sign is placed within the common ground, threatens the public health or safety, violates an
27 applicable statute or ordinance, is accompanied by sound or music, or if any other materials
28 are attached to the political sign. Subject to the foregoing, a homeowners' association shall
29 not remove a political sign from the property of a homeowner or impose any fine or penalty
30 upon the homeowner unless it has given such homeowner three days after providing written
31 notice to the homeowner, which notice shall specifically identify the rule and the nature of the
32 violation.

33 3. (1) No deed restrictions, covenants, or similar binding agreements running with
34 the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of
35 solar panels or solar collectors on the rooftop of any property or structure.

36 (2) A homeowners' association may adopt reasonable rules, subject to any applicable
37 statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent
38 that those rules do not prevent the installation of the device, impair the functioning of the
39 device, restrict the use of the device, or adversely affect the cost or efficiency of the device.

40 (3) The provisions of this subsection shall apply only with regard to rooftops that are
41 owned, controlled, and maintained by the owner of the individual property or structure.

42 4. (1) No deed restrictions, covenants, or similar binding agreements running with
43 the land shall prohibit or have the effect of prohibiting the display of sale signs on the
44 property of a homeowner or property owner including, but not limited to, any yard on the
45 property, or nearby street corners.

46 (2) A homeowners' association has the authority to adopt reasonable rules, subject to
47 any applicable statutes or ordinances, regarding the time, size, place, number, and manner of
48 display of sale signs.

49 (3) A homeowners' association may remove a sale sign without liability if such sign is
50 placed within the common ground, threatens the public health or safety, violates an applicable
51 statute or ordinance, is accompanied by sound or music, or if any other materials are attached
52 to the sale sign. Subject to the foregoing, a homeowners' association shall not remove a sale
53 sign from the property of a homeowner or property owner or impose any fine or penalty upon
54 the homeowner or property owner unless it has given such homeowner or property owner
55 three business days after the homeowner or property owner receives written notice from the
56 homeowners' association, which notice shall specifically identify the rule and the nature of
57 the alleged violation.

58 5. (1) No deed restrictions, covenants, or similar binding agreements running with
59 the land shall prohibit or have the effect of prohibiting ownership or pasturing of ~~[up to six~~
60 ~~chickens]~~ **non-nuisance animals for personal consumption** on a lot that is ~~[two-tenths]~~ **one-**
61 **third** of an acre or larger, including prohibitions against a single ~~[chicken coop designed to~~
62 ~~accommodate up to six chickens]~~ **enclosure designed to safely and humanely house up to**
63 **eight animals.**

64 (2) A homeowners' association may adopt reasonable rules, subject to applicable
65 statutes or ordinances, regarding ownership or pasturing of ~~[chickens]~~ **non-nuisance**
66 **animals**, including a prohibition or restriction on ownership or pasturing of roosters.

✓