

FIRST REGULAR SESSION

HOUSE BILL NO. 407

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WIELAND (Sponsor), GANNON AND ROORDA (Co-sponsors).
1065L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to petitions for incorporation.

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

Section A. Section 72.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 72.080, to read as follows:

72.080. 1. Any unincorporated city, town, or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities of that class, in the following manner: whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city, town, or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.

2. The county may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring

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 within six months prior to the time of filing the petition. Petitions submitted by proposing agents
19 may be submitted with exclusions for the signatures collected in areas originally included in the
20 proposal but subsequently annexed or incorporated separately as a city, town or village, although
21 the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed
22 area. If a majority of the voters voting on the question vote for incorporation, the governing
23 body shall declare such city, town, or other area incorporated, designating in such order the metes
24 and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic
25 and incorporate, by the name and style of "the city of", or "the town of
26", and the first officers of such city or town shall be designated by the order
27 of the governing body, who shall hold their offices until the next municipal election and until
28 their successors shall be duly elected and qualified. The county shall pay the costs of the
29 election.

30 3. In any county with a charter form of government where fifty or more cities, towns and
31 villages have been incorporated, an unincorporated city, town or other area of the state shall not
32 be incorporated except as provided in sections 72.400 to 72.420.

33 4. Any unincorporated area with a private eighteen-hole golf course community and with
34 at least a one hundred acre lake located within any county of the first classification with more
35 than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may
36 incorporate as a city of the class to which its population would entitle it pursuant to this chapter
37 notwithstanding any proposed annexation of the unincorporated area by any city of the third or
38 fourth classification or any home rule city with more than four hundred thousand inhabitants and
39 located in more than one county. If any city of the third or fourth classification or any home rule
40 city with more than four hundred thousand inhabitants and located in more than one county
41 proposes annexation by ordinance or resolution of any unincorporated area as [defined]
42 **described** in this subsection, no such annexation shall become effective until and only after a
43 majority of the qualified voters in the unincorporated area proposed to be incorporated fail to
44 approve or oppose the proposed incorporation by a majority vote in the election described in
45 subsection 2 of this section.

46 5. Prior to the election described in subsection 2 of this section, if the owner or owners
47 of either the majority of the commercial or the majority of the agricultural classification of real
48 property in the proposed area to be incorporated object to such incorporation, such owner or
49 owners may file an action in the circuit court of the county in which such unincorporated area
50 is situated, pursuant to chapter 527, praying for a declaratory judgment requesting that such
51 incorporation be declared unreasonable by the court. As used in this subsection, a "majority of
52 the commercial or agricultural classification" means a majority as determined by the assessed
53 valuation of the tracts of real property in either classification to be determined by the assessments

54 made according to chapter 137. The petition in such action shall state facts showing that such
55 incorporation including the real property owned by the petitioners is not reasonable based on the
56 same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper
57 development of the city or town. If the circuit court finds that such inclusion is not reasonable
58 and necessary, it may enjoin the incorporation or require the petition requesting the incorporation
59 to be resubmitted excluding all or part of the property of the petitioners from the proposed
60 incorporation.

61 **6. In any county with a charter form of government and with more than two**
62 **hundred thousand but fewer than three hundred fifty thousand inhabitants, if any petition**
63 **to incorporate a proposed area under this section fails to be adopted, no petition to**
64 **incorporate such area shall be resubmitted to the governing body of the county during the**
65 **three years immediately following the disapproval of such incorporation.**

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