

FIRE PROTECTION DISTRICTS: Upon incorporation of a city wholly within a fire
CITIES: protection district the property within the city
remains subject to the jurisdiction and taxation
of the fire protection district,

November 16, 1949

FILED

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11/17/49

Honorable Floyd L. Snyder
Member of House of Representatives
521 South Noland Road
Independence, Missouri

Dear Mr. Snyder:

I.

We hereby acknowledge receipt of the following request for an
opinion from this department.

"At the present time, the village of Raytown,
Jackson County, an unincorporated community,
is wholly within the Raytown Fire District.
This community is seeking incorporation. Under
House Bill No. 7, an act of the 65th General
Assembly, approved June 2, 1949, "if any property
located within the boundaries of a fire protection
district in a county of the first class now or
hereafter having a population of 450,000 in-
habitants or more, is now or hereafter included
with a city not wholly within such district, such
property is excluded from the district."

"Upon incorporation of the community of Raytown,
under the provisions of House Bill No. 7, would
the Raytown Fire District be dissolved?"

II.

Laws of Missouri, 1947, pages 432 to 451, inclusive, provide
for the organization and operation of fire protection districts
in class one counties. Section 2 of said Act provides in part as
follows:

"A fire protection district is one to supply
protection against fire by any available means.
Such district must be wholly within a county of
Class One, must consist of contiguous tracts or
parcels of property, and may include within its
boundaries, or may be contiguous with any city,
town or village."

House Bill No. 7, of the 65th General Assembly approved June 2, 1949, amends the fire protection district law in the following respects:

"Section 32a. If any property, located within the boundaries of a fire protection district in a county of the first class now or hereafter having a population of 450,000 inhabitants or more, is now or hereafter included with a city not wholly within such district, such property is excluded from the district."

The action of the 65th General Assembly shows that the Legislature intended to change the provisions of Section 2 to make it clear that property within the city that was not wholly within an organized fire protection district would not be included within the jurisdiction of said district because the sentence "and may include within its boundaries, or may be contiguous with any city, town or village" was not clear as to whether or not a fire district might be organized to include part of a city.

The word contiguous means actual contact, touching or adjoining. A fire protection district may adjoin the city limits of any city, town or village.

The word wholly means fully, totally, completely, solely or exclusively. If the village of Raytown in Jackson County, Missouri, a class one county, is incorporated and its city limits are wholly and entirely within the Raytown Fire Protection District then the property that would be within the city limits of the new incorporated city of Raytown would continue to be subject to the jurisdiction and taxation of the previously organized Raytown Fire Protection District because said new organized city would be exclusively and completely within said fire district and would not be a city not wholly within such district as contemplated in said House Bill No.

7.

III.

CONCLUSION

It is the opinion of this office that the property within the now existing Raytown Fire Protection District that would be within the city limits of the city of Raytown upon its incorporation, would remain subject to the jurisdiction and taxation of said

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fire district if the city of Raytown was wholly or completely within the territorial limits of said Raytown Fire Protection District.

Respectfully submitted,

STEPHEN J. MILLETT
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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