

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 410

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLT, GEORGE, BEARDEN, OSTMANN (Co-sponsors), GREEN (15), KELLY (36), GREEN (73), LUETKENHAUS, ABEL, HICKEY, McKENNA, O'CONNOR AND FOLEY.

Read 1st time January 17, 2001, and 1000 copies ordered printed.

Read 2nd time January 18, 2001, and referred to the Committee on Local Government and Related Matters, February 8, 2001.

Reported from the Committee on Local Government and Related Matters, March 15, 2001, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 29, 2001.

TED WEDEL, Chief Clerk

1252L.01P

AN ACT

To repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 71.285, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 71.285, to read as follows:

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his **or her** or their agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 the collector, with other taxes assessed against the property; and the tax bill from the date of its
13 issuance shall be a first lien on the property until paid and shall be prima facie evidence of the
14 recitals therein and of its validity, and no mere clerical error or informality in the same, or in the
15 proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be
16 issued by the city clerk and delivered to the collector on or before the first day of June of each
17 year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per
18 annum. Notwithstanding the time limitations of this section, any city, town or village located
19 in a county of the first classification may hold the hearing provided in this section four days after
20 notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated
21 within five business days after the hearing and if such weeds or trash are not removed within five
22 business days after the hearing, the order shall allow the city to immediately remove the weeds
23 or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and
24 easements appurtenant or incidental to lands controlled by any railroad, the department of
25 transportation, the department of natural resources or the department of conservation, the
26 provisions of this subsection shall not apply to any city with a population of at least seventy
27 thousand inhabitants which is located in a county of the first classification with a population of
28 less than one hundred thousand inhabitants which adjoins a county with a population of less than
29 one hundred thousand inhabitants that contains part of a city with a population of three hundred
30 fifty thousand or more inhabitants, any city with a population of one hundred thousand or more
31 inhabitants which is located within a county of the first classification that adjoins no other county
32 of the first classification, or any city, town or village located within a county of the first
33 classification with a charter form of government with a population of nine hundred thousand or
34 more inhabitants, or any city with a population of three hundred fifty thousand or more
35 inhabitants which is located in more than one county, or the city of St. Louis, where such city,
36 town or village establishes its own procedures for abatement of weeds or trash, and such city may
37 charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is
38 required to enforce a tax bill.

39 2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or
40 if trash is allowed to accumulate, on the same property in violation of an ordinance more than
41 once during the same growing season in the case of weeds, or more than once during a calendar
42 year in the case of trash, in any city with a population of three hundred fifty thousand or more
43 inhabitants which is located in more than one county, in the city of St. Louis [or], in any city,
44 town or village located in a county of the first classification with a charter form of government
45 with a population of nine hundred thousand or more inhabitants **or in any fourth class city**
46 **located in a county of the first classification with a charter form of government and a**
47 **population of less than three hundred thousand**, the marshal or other designated city official

48 may order that the weeds or trash be abated within five business days after notice is sent to or
49 posted on the property. In case the weeds or trash are not removed within the five days, the
50 marshal or other designated city official may have the weeds or trash removed and the cost of
51 the same shall be billed in the manner described in subsection 1 of this section.

52 3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same
53 property in violation of an ordinance more than once during the same growing season in the case
54 of weeds, or more than once during a calendar year in the case of trash, in any city with a
55 population of three hundred fifty thousand or more inhabitants which is located in more than one
56 county, in the city of St. Louis [or], in any city, town or village located in a county of the first
57 classification with a charter form of government with a population of nine hundred thousand or
58 more inhabitants **or in any fourth class city located in a county of the first classification with**
59 **a charter form of government and a population of less than three hundred thousand**, the
60 marshal or other designated official may, without further notification, have the weeds or trash
61 removed and the cost of the same shall be billed in the manner described in subsection 1 of this
62 section. The provisions of subsection 2 and this subsection do not apply to lands owned by a
63 public utility and lands, rights-of-way, and easements appurtenant or incidental to lands
64 controlled by any railroad.

65 4. The provisions of this section shall not apply to any city with a population of one
66 hundred thousand or more inhabitants which is located within a county of the first classification
67 that adjoins no other county of the first classification where such city establishes its own
68 procedures for abatement of weeds or trash, and such city may charge its costs of collecting the
69 tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.