

SECOND REGULAR SESSION

[CORRECTED]

# HOUSE BILL NO. 1607

## 92ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), RECTOR AND EMERY (Co-sponsors).

Read 1<sup>st</sup> time March 2, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3916L.011

---

### AN ACT

To repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement.

---

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

Section A. Section 67.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.402, to read as follows:

67.402. 1. The governing body of any county of the first classification [without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants] may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances [and], broken furniture, **or overgrown or noxious weeds in residential subdivisions or districts** which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

2. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice

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

16 shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and  
17 may provide that such notice be served either by personal service or by certified mail, return  
18 receipt requested, but if service cannot be had by either of these modes of service, then service  
19 may be had by publication. The ordinances shall further provide that the owner, occupant,  
20 lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the  
21 land records of the recorder of deeds of the county wherein the property is located shall be made  
22 parties;

23 (4) Provide that upon failure to commence work of abating the nuisance within the time  
24 specified or upon failure to proceed continuously with the work without unnecessary delay, the  
25 building commissioner or designated officer or officers shall call and have a full and adequate  
26 hearing upon the matter before the county commission, giving the affected parties at least ten  
27 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall  
28 have an opportunity to be heard. After the hearings, if evidence supports a finding that the  
29 property is a nuisance or detrimental to the health, safety, or welfare of the residents of the  
30 county, the county commission shall issue an order making specific findings of fact, based upon  
31 competent and substantial evidence, which shows the property to be a nuisance and detrimental  
32 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.  
33 If the evidence does not support a finding that the property is a nuisance or detrimental to the  
34 health, safety, or welfare of the residents of the county, no order shall be issued.

35 3. Any ordinance authorized by this section may provide that if the owner fails to begin  
36 abating the nuisance within a specific time which shall not be longer than seven days of receiving  
37 notice that the nuisance has been ordered removed, the building commissioner or designated  
38 officer shall cause the condition which constitutes the nuisance to be removed. If the building  
39 commissioner or designated officer causes such condition to be removed or abated, the cost of  
40 such removal shall be certified to the county clerk or officer in charge of finance who shall cause  
41 the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at  
42 the county collector's option, for the property and the certified cost shall be collected by the  
43 county collector in the same manner and procedure for collecting real estate taxes. If the  
44 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
45 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
46 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
47 a lien on the property until paid.