

FIRST REGULAR SESSION

# HOUSE BILL NO. 85

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHAAF.

0459L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Section 67.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.402, to read as follows: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 **the following counties may enact nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and] ;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

(5) **Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.**

2. **The governing body of any county described in subsection 1 of this section** may enact ordinances to provide for the abatement of a condition of any lot or land that has the

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 presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict  
19 cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or  
20 overgrown or noxious weeds in residential subdivisions or districts which may endanger public  
21 safety or which is unhealthy or unsafe and declared to be a public nuisance.

22 [2.] 3. Any ordinance enacted pursuant to this section shall:

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

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

28 (3) Provide for service of adequate notice of the declaration of nuisance, which notice  
29 shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and  
30 may provide that such notice be served either by personal service or by certified mail, return  
31 receipt requested, but if service cannot be had by either of these modes of service, then service  
32 may be had by publication. The ordinances shall further provide that the owner, occupant,  
33 lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the  
34 land records of the recorder of deeds of the county wherein the property is located shall be made  
35 parties;

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

48 [3.] 4. Any ordinance authorized by this section may provide that if the owner fails to  
49 begin abating the nuisance within a specific time which shall not be longer than seven days of  
50 receiving notice that the nuisance has been ordered removed, the building commissioner or  
51 designated officer shall cause the condition which constitutes the nuisance to be removed. If the  
52 building commissioner or designated officer causes such condition to be removed or abated, the  
53 cost of such removal shall be certified to the county clerk or officer in charge of finance who

54 shall cause the certified cost to be included in a special tax bill or added to the annual real estate  
55 tax bill, at the county collector's option, for the property and the certified cost shall be collected  
56 by the county collector in the same manner and procedure for collecting real estate taxes. If the  
57 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
58 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
59 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
60 a lien on the property until paid.

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