

SECOND REGULAR SESSION

# HOUSE BILL NO. 1881

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROWLAND.

5939H.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 nuisance abatement ordinances.

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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Section A. Section 67.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.402, to read as follows: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 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 fewer than seventy-one thousand four hundred inhabitants;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but 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) ] ;

(2) 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;

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.

16           ~~[(6)]~~ **(3)** Any county of the third classification with a township form of government and  
17 with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred  
18 inhabitants;

19           ~~[(7)]~~ Any county of the first classification with more than eighty-two thousand but fewer  
20 than eighty-two thousand one hundred inhabitants;

21           (8) Any county of the first classification with more than one hundred four thousand six  
22 hundred but fewer than one hundred four thousand seven hundred inhabitants;

23           ~~[(9)]~~ **(4)** Any county of the third classification with a township form of government and  
24 with more than seven thousand nine hundred but fewer than eight thousand inhabitants; and

25           ~~[(10)]~~ **(5)** Any county of the second classification with more than fifty-two thousand six  
26 hundred but fewer than fifty-two thousand seven hundred inhabitants.

27           2. The governing body of any county described in subsection 1 of this section may enact  
28 ordinances to provide for the abatement of a condition of any lot or land that has the presence  
29 of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict  
30 trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or  
31 noxious weeds in residential subdivisions or districts which may endanger public safety or which  
32 is unhealthy or unsafe and declared to be a public nuisance.

33           3. Any ordinance enacted pursuant to this section shall:

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

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

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

47           (4) Provide that upon failure to commence work of abating the nuisance within the time  
48 specified or upon failure to proceed continuously with the work without unnecessary delay, the  
49 building commissioner or designated officer or officers shall call and have a full and adequate  
50 hearing upon the matter before the county commission, giving the affected parties at least ten  
51 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall

52 have an opportunity to be heard. After the hearings, if evidence supports a finding that the  
53 property is a nuisance or detrimental to the health, safety, or welfare of the residents of the  
54 county, the county commission shall issue an order making specific findings of fact, based upon  
55 competent and substantial evidence, which shows the property to be a nuisance and detrimental  
56 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.  
57 If the evidence does not support a finding that the property is a nuisance or detrimental to the  
58 health, safety, or welfare of the residents of the county, no order shall be issued.

59 4. Any ordinance authorized by this section may provide that if the owner fails to begin  
60 abating the nuisance within a specific time which shall not be longer than seven days of receiving  
61 notice that the nuisance has been ordered removed, the building commissioner or designated  
62 officer shall cause the condition which constitutes the nuisance to be removed. If the building  
63 commissioner or designated officer causes such condition to be removed or abated, the cost of  
64 such removal shall be certified to the county clerk or officer in charge of finance who shall cause  
65 the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at  
66 the county collector's option, for the property and the certified cost shall be collected by the  
67 county collector in the same manner and procedure for collecting real estate taxes. If the  
68 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
69 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
70 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
71 a lien on the property until paid.

72 5. Nothing in this section authorizes any county to enact nuisance abatement ordinances  
73 that provide for the abatement of any condition relating to agricultural structures or agricultural  
74 operations, including but not limited to the raising of livestock or row crops.

75 6. No county of the first, second, third, or fourth classification shall have the power to  
76 adopt any ordinance, resolution, or regulation under this section governing any railroad company  
77 regulated by the Federal Railroad Administration.

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