

SECOND REGULAR SESSION

HOUSE BILL NO. 1695

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

4335H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 67.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.402, to read as follows: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

(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six 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.

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

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

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

24 (10) Any county of the second classification with more than fifty-two thousand six
25 hundred but fewer than fifty-two thousand seven hundred inhabitants;

26 **(11) Any county of the first classification with more than fifty thousand but fewer**
27 **than seventy thousand inhabitants and with a county seat with more than two thousand**
28 **one hundred but fewer than two thousand four hundred inhabitants.**

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

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

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

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

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

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

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

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

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

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

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