

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 203**  
**100TH GENERAL ASSEMBLY**

1191H.07C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

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

Section A. Sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 82.1025, 82.1027, 82.1030, 82.1031, 88.770, and 393.320, and section 1, to read as follows:

82.1025. 1. [This] Section [applies] **82.1025 and sections 82.1027 to 82.1030** apply to a nuisance located within the boundaries of any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in any city not within a county and in any city with at least three hundred fifty thousand inhabitants which is located in more than one county.

2. ~~[A parcel of property is a nuisance, if such property adversely affects the property values of a neighborhood or the property value of any property within the neighborhood because the owner of such property allows the property to be in a deteriorated condition, due to neglect~~

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.

15 ~~or failure to reasonably maintain, violation of a county or municipal building code, standard, or~~  
16 ~~ordinance, abandonment, failure to repair after a fire, flood or some other damage to the property~~  
17 ~~or because the owner or resident of the property allows clutter on the property such as abandoned~~  
18 ~~automobiles, appliances or similar objects.] Any property owner who owns property within one~~  
19 thousand two hundred feet of a parcel of property which is alleged to be a nuisance may bring  
20 a nuisance action **under this section** against the offending property owner for the amount of  
21 damage created by such nuisance to the value of the petitioner's property, including diminution  
22 in value of the petitioner's property, and court costs [~~provided that the owner of the property~~  
23 ~~which is alleged to be a nuisance has received notification of the alleged nuisance and has had~~  
24 ~~a reasonable opportunity, not to exceed forty-five days, to correct the alleged nuisance. This~~  
25 ~~section is not intended to abrogate, and shall not be construed as abrogating, any remedy~~  
26 ~~available under the common law of private nuisance].~~

27 3. An action for injunctive relief to abate a nuisance [~~under this section~~] may be brought  
28 **under this section** by:

29 (1) Anyone who owns property within one thousand two hundred feet to a property  
30 which is alleged to be a nuisance; or

31 (2) A neighborhood organization, as defined in [~~subdivision (2) of~~] section 82.1027, on  
32 behalf of any person or persons who own property within the boundaries of the neighborhood  
33 or neighborhoods described in the articles of incorporation or bylaws of the neighborhood  
34 organization and who could maintain a nuisance action under this section or under the common  
35 law of private nuisance, or on its own behalf with respect to a nuisance on property anywhere  
36 within the boundaries of the neighborhood or neighborhoods.

37 4. An action shall not be brought under this section until sixty days after the party who  
38 brings the action has sent written notice of intent to bring an action under this section by certified  
39 mail, return receipt requested, postage prepaid to:

40 (1) The tenant, if any, or to "occupant" if the identity of the tenant cannot be reasonably  
41 ascertained, at the property's address; and

42 (2) The property owner of record at the last known address of the property owner on file  
43 with the county or city, or, if the property owner is a corporation or other type of limited liability  
44 company, to the property owner's registered agent at the agent's address of record;

45 that a nuisance exists and that legal action may be taken against the owner of the property **if the**  
46 **nuisance is not eliminated within sixty days after the date on the written notice.** If the  
47 notice sent by certified mail is returned unclaimed or refused, designated by the post office to be  
48 undeliverable, or signed for by a person other than the addressee, then adequate and sufficient  
49 notice [~~may be given to the tenant, if any, and the property owner of record by sending a copy~~  
50 ~~of the notice by regular mail to the address of the property owner or registered agent and]~~ **shall**

51 **be provided by** posting a copy of the notice on the property where the nuisance allegedly is  
52 occurring. A sworn affidavit by the person who mailed or posted the notice describing the date  
53 and manner that notice was given shall be ~~[prima facie]~~ **sufficient** evidence ~~[of the giving of such~~  
54 **notice] to establish that the notice was given.** The notice shall specify:

- 55 (a) The act or condition that constitutes the nuisance;  
56 (b) The date the nuisance was first discovered;  
57 (c) The address of the property and location on the property where the act or condition  
58 that constitutes the nuisance is allegedly occurring or exists; and  
59 (d) The relief sought in the action.

60 5. ~~[When a neighborhood organization files a suit under this section, an officer of the~~  
61 ~~neighborhood organization or its counsel shall certify to the court:~~

62 ~~——(1) From personal knowledge, that the neighborhood organization has taken the required~~  
63 ~~steps to satisfy the notice requirements under this section; and~~

64 ~~——(2) Based on reasonable inquiry, that each condition precedent to the filing of the action~~  
65 ~~under this section has been met.~~

66 ~~——6. A neighborhood organization may not bring an action under this section if, at the time~~  
67 ~~of filing suit, the neighborhood organization or any of its directors own real estate, or have an~~  
68 ~~interest in a trust or a corporation or other limited liability company that owns real estate, in the~~  
69 ~~city or county in which the nuisance is located with respect to which real property taxes are~~  
70 ~~delinquent or a notice of violation of a city code or ordinance has been issued and served and is~~  
71 ~~outstanding.~~

72 ~~——7. This section is not intended to abrogate, and shall not be construed as abrogating, any~~  
73 ~~remedy available under the common law of private nuisance.]~~ **A copy of a notice of citation**  
74 **issued by the city or county that shows the date the citation was issued shall be prima facie**  
75 **evidence of whether and for how long a citation has been pending against the property or**  
76 **the property owner.**

77 **6. A proceeding under this section shall:**

- 78 **(1) Be heard at the earliest practicable date; and**  
79 **(2) Be expedited in every way.**

80 **7. When a property owner or neighborhood organization brings an action under**  
81 **this section for injunctive relief to abate a nuisance, a prima facie case for injunctive relief**  
82 **shall be made upon proof that a nuisance exists on the property. Such an action shall not**  
83 **require proof that the party bringing the action has sustained damage or loss as a result**  
84 **of the nuisance.**

85 **8. With respect to an action under this section against the owner of commercial or**  
86 **industrial property, when a property owner or neighborhood organization bringing the**

87 **action prevails in such action, such property owner or organization may be entitled to an**  
 88 **award for its reasonable attorneys' fees and expenses, as ordered by the court, incurred in**  
 89 **bringing and prosecuting the action, which award for attorneys' fees and expenses shall**  
 90 **be entered as a judgment against the owner of the property on which the act or condition**  
 91 **constituting the nuisance occurred or was located.**

82.1027. As used in [~~sections 82.1027 to~~] **section 82.1025 and sections 82.1027 to**  
 2 **82.1030, the following terms mean:**

3 (1) "Code or ordinance violation", a violation under the provisions of a municipal code  
 4 or ordinance of any home rule city with more than four hundred thousand inhabitants and located  
 5 in more than one county, or any city not within a county, which regulates fire prevention, animal  
 6 control, noise control, property maintenance, building construction, health, safety, neighborhood  
 7 detriment, sanitation, or nuisances;

8 (2) "Neighborhood organization", **either:**

9 (a) A Missouri not-for-profit corporation **that:**

10 **a. Is a bonafide community organization formed for the purpose of neighborhood**  
 11 **preservation or improvement;**

12 **b. Whose articles of incorporation or bylaws specify that one of the purposes for which**  
 13 **the corporation is organized is the preservation and protection of residential and community**  
 14 **property values in all or part of a neighborhood or neighborhoods with geographic boundaries**  
 15 **that conform to the boundaries of not more than two adjoining neighborhoods recognized by the**  
 16 **planning division of the city or county in which the neighborhood or neighborhoods are located**  
 17 ~~[provided that the corporation's articles of incorporation or bylaws provide that:~~

18 ~~—— (a) The corporation has members;~~

19 ~~—— (b) Membership shall be open to all persons who own residential real estate or who~~  
 20 ~~reside in the neighborhood or neighborhoods described in the corporation's articles of~~  
 21 ~~incorporation or bylaws subject to reasonable restrictions on membership to protect the integrity~~  
 22 ~~of the organization; however, membership may not be conditioned upon payment of monetary~~  
 23 ~~consideration in excess of twenty-five dollars per year; and~~

24 ~~—— (c) Only members who own residential real estate or who reside in the neighborhood or~~  
 25 ~~neighborhoods described in the corporation's articles of incorporation or bylaws may elect~~  
 26 ~~directors or serve as a director] in any home rule city with more than three hundred fifty~~  
 27 **thousand inhabitants and located in more than one county, or in any city not within a**  
 28 **county; and**

29 **c. Whose board of directors is comprised of individuals, at least half of whom**  
 30 **maintain their principal residence in a neighborhood the organization serves as described**  
 31 **in the organization's articles of incorporation or bylaws; or**

32           **(b) An organization recognized by the federal Internal Revenue Service as tax**  
 33 **exempt under the provisions of Internal Revenue Code section 501(c)(3), or the**  
 34 **corresponding section of any future tax code, which has had a contract with any home rule**  
 35 **city with more than three hundred fifty thousand inhabitants and located in more than one**  
 36 **county, or in any city not within a county to furnish housing related services in that**  
 37 **municipality or county at any point during the five-year period preceding the filing of the**  
 38 **action, and is in compliance with or completed such contract;**

39           (3) "Nuisance", [~~within the boundaries of the neighborhood or neighborhoods described~~  
 40 ~~in the articles of incorporation or bylaws of the neighborhood organization, an act or condition~~  
 41 ~~knowingly created, performed, maintained, or permitted to exist on private property that~~  
 42 ~~constitutes a code or ordinance violation and that significantly affects the other residents of the~~  
 43 ~~neighborhood; and] **an activity or condition created, performed, maintained, or permitted**  
 44 **to exist on private property that constitutes a code or ordinance violation, whether or not**  
 45 **the property has been cited by the city or county in which the property is located; or, if the**  
 46 **property is in a deteriorated condition, due to neglect or failure to reasonably maintain,**  
 47 **abandonment, failure to repair after a fire, flood, or some other deterioration of the**  
 48 **property, or there is clutter on the property such as abandoned automobiles, appliances,**  
 49 **or similar objects; or, with respect to commercial, industrial, and vacant property, if the**  
 50 **activity or condition on the property encourages, promotes, or substantially contributes to**  
 51 **unlawful activity within three hundred feet of the property; and the activity or condition**  
 52 **either:**~~

53           (a) Diminishes the value of the neighboring property; or

54           (b) Is injurious to the public health, safety, security, or welfare of neighboring residents  
 55 or businesses; or

56           (c) Impairs the reasonable use or peaceful enjoyment of other property in the  
 57 neighborhood.

82.1030. 1. Subject to subsection 2 of this section, [~~sections~~] **section 82.1025 and**  
 2 **sections 82.1027 to [82.1029] 82.1030** shall not be construed as to abrogate any equitable or  
 3 legal right or remedy otherwise available under the law to abate a nuisance.

4           2. [~~Sections~~] **Section 82.1025 and sections 82.1027 to [82.1029] 82.1030** shall not be  
 5 construed [~~as~~] to grant standing for an action challenging any zoning application or approval.

82.1031. No action shall be brought under section 82.1025 [~~or~~] **and** sections 82.1027  
 2 to 82.1030 if the owner of the property that is the subject of the action is in good faith  
 3 compliance with [~~any order~~] **all orders** issued by the department of natural resources, the United  
 4 States Environmental Protection Agency, or the office of attorney general.

88.770. 1. The board of aldermen may provide for and regulate the lighting of streets  
2 and the erection of lamp posts, poles and lights therefor, and may make contracts with any  
3 person, association or corporation, either private or municipal, for the lighting of the streets and  
4 other public places of the city with gas, electricity or otherwise, except that each initial contract  
5 shall be ratified by a majority of the voters of the city voting on the question and any renewal  
6 contract or extension shall be subject to voter approval of the majority of the voters voting on  
7 the question, pursuant to the provisions of section 88.251. The board of aldermen may erect,  
8 maintain and operate gas works, electric light works, or light works of any other kind or name,  
9 and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to  
10 light the streets, avenues, alleys or other public places, and to supply private lights for the use  
11 of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and  
12 regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation  
13 or condemnation suitable grounds within or without the city upon which to erect such works and  
14 the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric  
15 wires under or above the grounds, and erecting posts and poles and such other apparatus and  
16 appliances as may be necessary for the efficient operation of such works. The board of aldermen  
17 may, in its discretion, grant the right to any person, persons or corporation, to erect such works  
18 and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances  
19 therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for  
20 a longer time than twenty years, but may be renewed for another period or periods not to exceed  
21 twenty years per period. Every initial grant shall be approved by a majority of the voters of the  
22 municipality voting on the question, and each renewal or extension of such rights shall be subject  
23 to voter approval of the majority of the voters voting on the question, pursuant to the provisions  
24 of section 88.251. Nothing herein contained shall be so construed as to prevent the board of  
25 aldermen from contracting with any person, persons or corporation for furnishing the city with  
26 gas or electric lights in cities where franchises have already been granted, and where gas or  
27 electric light plants already exist, without a vote of the people, except that the board of aldermen  
28 may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by  
29 the city including electric light systems, electric distribution systems or transmission lines, or any  
30 part of the electric light systems, electric or other heat systems, electric or other power systems,  
31 electric or other railways, gas plants, telephone systems, telegraph systems, transportation  
32 systems of any kind, waterworks, equipments and all public utilities not herein enumerated and  
33 everything acquired therefor, after first having passed an ordinance setting forth the terms of the  
34 sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the  
35 question, except for the sale of a water or wastewater system, or the sale of a gas plant, which  
36 shall be authorized by a simple majority vote of the voters voting on the question. In the event

37 of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall  
38 hold a public meeting on such proposed sale at least thirty days prior to the vote. The  
39 municipality in question shall notify its customers of the informational meeting through radio,  
40 television, newspaper, regular mail, electronic mail, or any combination of notification methods  
41 to most effectively notify customers at least fifteen days prior to the informational meeting. **In  
42 advance of putting a proposed sale of a water or wastewater system or a gas plant before  
43 the voters, the board of aldermen may seek an appraisal as set forth in subsections 3 and  
44 4 of section 393.320. The board may also seek and provide additional reasonable analyses  
45 to inform voters of such sale including, but not limited to, the impact of such sale on all city  
46 funds and revenues, other city services, and annexation. Nothing in this section shall be  
47 so construed as to discourage the board of aldermen from seeking multiple bids when  
48 considering the disposal of a water or wastewater system or a gas plant by sale.**

49 **2. The board of aldermen's determination of the fair market value of a water or  
50 wastewater system or a gas plant for the purposes of this section shall not be dispositive of  
51 the price of a water or wastewater system or a gas plant, which may be subject to  
52 negotiation by the board of aldermen.**

53 **3. The board of aldermen may consider alternatives to disposing of a water or  
54 wastewater system or a gas plant by sale, including entering into a finance agreement,  
55 purchase agreement, management agreement, or lease agreement with another entity.**

56 **4. The board of aldermen may make available on its internet site, if such internet  
57 site exists, at least forty-five days prior to submitting a proposal for election pursuant to  
58 this section, a copy of the appraisal or additional reasonable analyses under subsection 1  
59 of this section and the fair market value of a water or wastewater system or a gas plant.  
60 Such information may also be posted in the building where the board of aldermen has its  
61 monthly meetings.**

62 **5. The board of aldermen may make a good-faith effort to notify each property  
63 owner of the city and each ratepayer of a water or wastewater system or a gas plant of the  
64 proposal to dispose of the water or wastewater system or a gas plant, by sale through radio,  
65 television, newspaper, regular mail, electronic mail, or any combination of such notification  
66 methods. Such notice may also include instructions for locating a summary of the proposal  
67 and a summary of any appraisal and analyses as under subsection 1 of this section on the  
68 board of aldermen's internet site, if such internet site exists. In the event the board of  
69 aldermen does not have an internet site, the notice may inform the recipient that written  
70 copies of such information may be made available at the building where the board of  
71 aldermen has its monthly meetings.**

72           **6. Nothing in this section shall be construed as a violation of section 115.646,**  
73 **relating to the use of public funds to advocate, support, or oppose the ballot measure**  
74 **prescribed in subsection 7 of this section.**

75           7. The ballots shall be substantially in the following form and shall indicate the property,  
76 or portion thereof, and whether the same is to be sold, leased or encumbered:

77           Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution  
78 system, electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate  
79 whether sold, leased or encumbered.)?

393.320. 1. As used in this section, the following terms mean:

2           (1) "Large water public utility", a public utility that regularly provides water service or  
3 sewer service to more than eight thousand customer connections and that provides safe and  
4 adequate service but shall not include a sewer district established under Section 30(a), Article  
5 VI of the Missouri Constitution, sewer districts established under the provisions of chapter 204,  
6 249, or 250, public water supply districts established under the provisions of chapter 247, or  
7 municipalities that own water or sewer systems;

8           (2) "Small water utility", a public utility that regularly provides water service or sewer  
9 service to eight thousand or fewer customer connections; a water district established under the  
10 provisions of chapter 247 that regularly provides water or sewer service to eight thousand or  
11 fewer customer connections; a sewer district established under the provisions of chapter 204,  
12 249, or 250 that regularly provides sewer service to eight thousand or fewer customer  
13 connections; or a water system or sewer system owned by a municipality that regularly provides  
14 water service or sewer service to eight thousand or fewer customer connections; and all other  
15 entities that regularly provide water service or sewer service to eight thousand or fewer customer  
16 connections.

17           2. The procedures contained in this section may be chosen by a large water public utility  
18 **or a small water utility**, and if so chosen shall be used by the public service commission to  
19 establish the ratemaking rate base of a small water utility during an acquisition.

20           3. (1) An appraisal shall be performed by three appraisers. One appraiser shall be  
21 appointed by the small water utility, one appraiser shall be appointed by the large water public  
22 utility, and the third appraiser shall be appointed by the two appraisers so appointed. Each of the  
23 appraisers shall be a disinterested person who is a certified general appraiser under chapter 339.

24           (2) The appraisers shall:

25           (a) Jointly prepare an appraisal of the fair market value of the water system and/or sewer  
26 system. The determination of fair market value shall be in accordance with Missouri law and  
27 with the Uniform Standards of Professional Appraisal Practice; and



28 (b) Return their appraisal, in writing, to the small water utility and large water public  
29 utility in a reasonable and timely manner.

30 (3) If all three appraisers cannot agree as to the appraised value, the appraisal, when  
31 signed by two of the appraisers, constitutes a good and valid appraisal.

32 4. Nothing in this section shall prohibit a party from declining to proceed with an  
33 acquisition or be deemed as establishing the final purchase price of an acquisition.

34 5. (1) The lesser of the purchase price or the appraised value, together with the  
35 reasonable and prudent transaction, closing, and transition costs incurred by the large water  
36 public utility, shall constitute the ratemaking rate base for the small water utility as acquired by  
37 the acquiring large water public utility; provided, however, that if the small water utility is a  
38 public utility subject to chapter 386 and the small water utility completed a rate case prior to the  
39 acquisition, the public service commission may select as the ratemaking rate base for the small  
40 water utility as acquired by the acquiring large water public utility a ratemaking rate base in  
41 between:

42 (a) The lesser of the purchase price or the appraised value, together with the reasonable  
43 and prudent transaction, closing, and transition costs incurred by the large water public utility  
44 unless such transaction, closing, and transition costs are elsewhere recoverable in rates; and

45 (b) The ratemaking rate base of the small water utility as ordered by the public service  
46 commission in the small water utility's last previous rate case as adjusted by improvements and  
47 depreciation reserve since the previous rate case together with the transaction, closing, and  
48 transition costs incurred by the large water public utility unless such transaction, closing, and  
49 transition costs are elsewhere recoverable in rates. If the small water utility and large water  
50 public utility proceed with the sale, any past-due fees due to the state from the small water utility  
51 or its customers under chapter 640 or 644 shall be resolved prior to the transfer of ownership or  
52 the liability for such past-due fees becomes the responsibility of the large water public utility.  
53 Such fees shall not be included in the large water public utility's rate base.

54 (2) The public service commission shall issue its decision establishing the ratemaking  
55 rate base of the small water utility in its order approving the acquisition.

56 6. Upon the date of the acquisition of a small water utility by a large water public utility,  
57 whether or not the procedures for establishing ratemaking rate base provided by this section have  
58 been utilized, the small water utility shall, for ratemaking purposes, become part of an existing  
59 service area, as defined by the public service commission, of the acquiring large water public  
60 utility that is either contiguous to the small water utility, the closest geographically to the small  
61 water utility, or best suited due to operational or other factors. This consolidation shall be  
62 approved by the public service commission in its order approving the acquisition.

63           7. Any new permit issued pursuant to chapters 640 and 644, when a small water utility  
 64 is acquired by a large water public utility, shall include a plan to resolve all outstanding permit  
 65 compliance issues. After the transfer of ownership, the acquiring large public water utility shall  
 66 continue providing service to all customers that were served by the small water utility at the time  
 67 of sale.

68           8. This section is intended for the specific and unique purpose of determining the  
 69 ratemaking rate base of small water utilities and shall be exclusively applied to large water public  
 70 utilities **and small water utilities** in the acquisition of a small water utility. This section is not  
 71 intended to apply beyond its specific purpose and shall not be construed in any manner to apply  
 72 to electric corporations, natural gas corporations, or any other utility regulated by the public  
 73 service commission.

**Section 1. In lieu of a political subdivision conducting building permit inspections  
 2 of the new construction of a one or two family residential dwelling, the licensed engineer  
 3 who sealed the ultimate submission of plans for the permit shall be allowed to conduct the  
 4 footing, foundation, wall, and framing inspections in accordance with the procedures for  
 5 such inspections established by the political subdivision. Such licensed engineer or  
 6 architect shall report on such work by using the uniform inspection forms used by the  
 7 political subdivision and shall submit such forms to the political subdivision.**

8

~~[82.1028. Sections 82.1027 to 82.1030 apply to a nuisance located within  
 2 the boundaries of any city not within a county and any home rule city with more  
 3 than four hundred thousand inhabitants and located in more than one county.]~~

4

~~[82.1029. 1. A neighborhood organization, on behalf of a person or  
 2 persons who own real estate or reside within one thousand two hundred feet of  
 3 a property on which there is a condition or activity constituting a code or  
 4 ordinance violation in the neighborhood or neighborhoods described in the  
 5 articles of incorporation or the bylaws of the neighborhood organization, or on  
 6 its own behalf with respect to a code or ordinance violation on property anywhere  
 7 within the boundaries of the neighborhood or neighborhoods, may seek injunctive  
 8 and other equitable relief in the circuit court for abatement of a nuisance upon  
 9 showing:~~

10 ~~\_\_\_\_\_ (1) The notice requirements of this section have been satisfied; and~~

11 ~~\_\_\_\_\_ (2) The nuisance exists and has not been abated.~~

12 ~~\_\_\_\_\_ 2. An action under this section shall not be brought until:~~

13 ~~\_\_\_\_\_ (1) Sixty days after the neighborhood organization sends written notice  
 14 by certified mail, return receipt requested, postage prepaid, to the appropriate  
 15 municipal code enforcement agency of the neighborhood organization's intent to  
 16 bring an action under this section, together with a copy of the notice the~~

17 neighborhood organization sent or attempted to send to the property owner in  
18 compliance with subdivision (2) of subsection 2 of this section; and  
19 ~~(2) Sixty days after the neighborhood organization sends notice by first~~  
20 ~~class prepaid postage certified mail, return receipt requested, to:~~  
21 ~~(a) The tenant, if any, or to "occupant" if the identity of the tenant cannot~~  
22 ~~be reasonably ascertained, at the property's address; and~~  
23 ~~(b) The property owner of record at the last known address of the~~  
24 ~~property owner on file with the county or city, or, if the property owner is a~~  
25 ~~corporation or other type of limited liability company, to the property owner's~~  
26 ~~registered agent at the registered agent's address of record;~~  
27 ~~that a nuisance exists and that legal action may be taken if the nuisance is not~~  
28 ~~abated. If the notice sent by certified mail is returned unclaimed or refused,~~  
29 ~~designated by the post office to be undeliverable, or signed for by a person other~~  
30 ~~than the addressee, then adequate and sufficient notice may be given to the~~  
31 ~~tenant, if any, and the property owner of record by sending a copy of the notice~~  
32 ~~by regular mail to the address of the property owner or registered agent and~~  
33 ~~posting a copy of notice on the property where the nuisance allegedly is~~  
34 ~~occurring.~~  
35 ~~3. A sworn affidavit by the person who mailed or posted the notice~~  
36 ~~describing the date and manner that notice was given shall be prima facie~~  
37 ~~evidence of the giving of such notice.~~  
38 ~~4. The notice required by this section shall specify:~~  
39 ~~(1) The act or condition that constitutes the nuisance;~~  
40 ~~(2) The date the nuisance was first discovered;~~  
41 ~~(3) The address of the property and location on the property where the act~~  
42 ~~or condition that constitutes the nuisance is allegedly occurring or exists; and~~  
43 ~~(4) The relief sought in the action.~~  
44 ~~5. In filing a suit under this section, an officer of the neighborhood~~  
45 ~~organization or its counsel shall certify to the court:~~  
46 ~~(1) From personal knowledge, that the neighborhood organization has~~  
47 ~~taken the required steps to satisfy the notice requirements under this section; and~~  
48 ~~(2) Based on reasonable inquiry, that each condition precedent to the~~  
49 ~~filing of the action under this section has been met.~~  
50 ~~6. An action may not be brought under this section based on an alleged~~  
51 ~~violation of a particular code provision or ordinance if there is then pending~~  
52 ~~against the property or the owner of the property a notice of violation with respect~~  
53 ~~to such code provision or ordinance issued by an appropriate municipal code~~  
54 ~~enforcement agency unless such notice of violation has been pending for more~~  
55 ~~than forty-five days and the condition or activity that gave rise to the violation~~  
56 ~~has not been abated. This subsection shall not preclude an action under this~~  
57 ~~section where the appropriate municipal code enforcement agency has declined~~  
58 ~~to issue a notice of violation against the property or the property owner.~~

59 ~~7. A neighborhood organization may not bring an action under this~~  
60 ~~section if, at the time of filing suit, the neighborhood organization or any of its~~  
61 ~~directors own real estate, or have an interest in a trust or a corporation or other~~  
62 ~~limited liability company that owns real estate, in the city or county in which the~~  
63 ~~nuisance is located with respect to which real property taxes are delinquent or a~~  
64 ~~notice of violation of a city code or ordinance has been issued and served and is~~  
65 ~~outstanding.~~

66 ~~8. A copy of the notice of citation issued by the city that shows the date~~  
67 ~~the citation was issued shall be prima facie evidence of whether and for how long~~  
68 ~~a citation has been pending against the property or the property owner.~~

69 ~~9. A proceeding under this section shall:~~

70 ~~(1) Be heard at the earliest practicable date; and~~

71 ~~(2) Be expedited in every way.]~~

