

FIRST REGULAR SESSION

# HOUSE BILL NO. 504

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHROER.

0924H.021

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to city ordinances.

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

Section A. Section 71.285, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.285, to read as follows:

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town, or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties, or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed[;] and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per

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 annum. Notwithstanding the time limitations of this section, any city, town, or village located  
19 in a county of the first classification may hold the hearing provided in this section four days after  
20 notice is sent or posted[;] and may order at the hearing that the weeds or trash shall be abated  
21 within five business days after the hearing and, if such weeds or trash are not removed within  
22 five business days after the hearing, the order shall allow the city to immediately remove the  
23 weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way,  
24 and easements appurtenant or incidental to lands controlled by any railroad, the department of  
25 transportation, the department of natural resources, or the department of conservation, the  
26 provisions of this subsection shall not apply to:

27       **(1)** Any city with a population of at least seventy thousand inhabitants which is located  
28 in a county of the first classification with a population of less than one hundred thousand  
29 inhabitants which adjoins a county with a population of less than one hundred thousand  
30 inhabitants that contains part of a city with a population of three hundred fifty thousand or more  
31 inhabitants[;] ;

32       **(2)** Any city with a population of one hundred thousand or more inhabitants which is  
33 located within a county of the first classification that adjoins no other county of the first  
34 classification[; ~~or~~] ;

35       **(3)** Any city, town, or village located within a county [~~of the first classification~~] with a  
36 charter form of government with a population of [~~nine~~] **three** hundred thousand or more  
37 inhabitants[; ~~or~~] ;

38       **(4)** Any city with a population of three hundred fifty thousand or more inhabitants which  
39 is located in more than one county[;] ; or

40       **(5)** The City of St. Louis[; ~~where~~]

41

42 **if** such city, town, or village establishes its own procedures for abatement of weeds or trash, and  
43 such city may charge its costs of collecting the tax bill, including attorney fees, in the event a  
44 lawsuit is required to enforce a tax bill.

45       2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or  
46 if trash is allowed to accumulate, on the same property in violation of an ordinance more than  
47 once during the same growing season in the case of weeds, or more than once during a calendar  
48 year in the case of trash, in:

49       **(1)** Any city with a population of three hundred fifty thousand or more inhabitants which  
50 is located in more than one county[; ~~in~~] ;

51       **(2)** The City of St. Louis[; ~~in~~] ;

52           **(3)** Any city, town, or village located in a county [~~of the first classification~~] with a  
53 charter form of government with a population of [~~nine~~] **three** hundred thousand or more  
54 inhabitants[~~;~~ ~~in~~] ;

55           **(4)** Any fourth class city located in a county [~~of the first classification~~] with a charter  
56 form of government and a population of less than three hundred thousand[~~;~~ ; or [~~in~~]

57           **(5)** Any home rule city with more than one hundred thirteen thousand two hundred but  
58 less than one hundred thirteen thousand three hundred inhabitants located in a county with a  
59 charter form of government and with more than six hundred thousand but less than seven  
60 hundred thousand inhabitants,

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62 the marshal or other designated city official may order that the weeds or trash be abated within  
63 five business days after notice is sent to or posted on the property. In case the weeds or trash are  
64 not removed within the five days, the marshal or other designated city official may have the  
65 weeds or trash removed, and the cost of the same shall be billed in the manner described in  
66 subsection 1 of this section.

67           3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same  
68 property in violation of an ordinance more than once during the same growing season in the case  
69 of weeds, or more than once during a calendar year in the case of trash, in:

70           **(1)** Any city with a population of three hundred fifty thousand or more inhabitants which  
71 is located in more than one county[~~;~~ ~~in~~] ;

72           **(2)** The City of St. Louis[~~;~~ ~~in~~] ;

73           **(3)** Any city, town, or village located in a county [~~of the first classification~~] with a  
74 charter form of government with a population of [~~nine~~] **three** hundred thousand or more  
75 inhabitants[~~;~~ ~~in~~] ;

76           **(4)** Any fourth class city located in a county [~~of the first classification~~] with a charter  
77 form of government and a population of less than three hundred thousand[~~;~~ ~~in~~] ;

78           **(5)** Any home rule city with more than one hundred thirteen thousand two hundred but  
79 less than one hundred thirteen thousand three hundred inhabitants located in a county with a  
80 charter form of government and with more than six hundred thousand but less than seven  
81 hundred thousand inhabitants[~~;~~ ~~in~~] ;

82           **(6)** Any third class city with a population of at least ten thousand inhabitants but less  
83 than fifteen thousand inhabitants with the greater part of the population located in a county of  
84 the first classification[~~;~~ ~~in~~] ;

85           **(7)** Any city of the third classification with more than sixteen thousand nine hundred but  
86 less than seventeen thousand inhabitants[~~;~~ ~~in~~] ;

87           **(8)** Any city of the third classification with more than eight thousand but fewer than nine  
88 thousand inhabitants~~[-in]~~ ;

89           **(9)** Any city of the fourth classification with more than eight thousand but fewer than  
90 nine thousand inhabitants and located in any county of the third classification without a township  
91 form of government and with more than eighteen thousand but fewer than twenty thousand  
92 inhabitants~~[-]~~ ; or ~~in]~~

93           **(10)** Any city of the third classification with more than fifteen thousand but fewer than  
94 seventeen thousand inhabitants and located in any county of the first classification with more  
95 than sixty-five thousand but fewer than seventy-five thousand inhabitants,

96  
97 the marshal or other designated official may, without further notification, have the weeds or trash  
98 removed, and the cost of the same shall be billed in the manner described in subsection 1 of this  
99 section. The provisions of subsection 2 and this subsection do not apply to lands owned by a  
100 public utility and lands, rights-of-way, and easements appurtenant or incidental to lands  
101 controlled by any railroad.

102           4. The provisions of this section shall not apply to any city with a population of one  
103 hundred thousand or more inhabitants which is located within a county of the first classification  
104 that adjoins no other county of the first classification where such city establishes its own  
105 procedures for abatement of weeds or trash, and such city may charge its costs of collecting the  
106 tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

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