

FIRST REGULAR SESSION

SENATE BILL NO. 139

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHEELER.

Pre-filed December 29, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0731S.011

AN ACT

To repeal section 82.1025, RSMo, and to enact in lieu thereof one new section relating to standing to file private nuisance actions.

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

Section A. Section 82.1025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 82.1025, to read as follows:

82.1025. 1. In any county of the first classification with a charter form of government and a population greater than nine hundred thousand, 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, a parcel of property is a nuisance, if such property adversely affects the property values of a neighborhood because the owner of such property allows the property to be in a deteriorated condition, due to neglect, violation of a county or municipal building code or standard, abandonment, failure to repair after a fire, flood or some other damage to the property or because the owner or resident of the property allows clutter on the property such as abandoned automobiles, appliances or similar objects. Any property owner, who owns property within a reasonable distance to a parcel of property which is alleged to be a nuisance may bring a nuisance action against the offending property owner for the amount of damage created by such property to the value of the petitioner's property and court costs, provided that the owner of the property which is alleged to be a nuisance has received notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five days, to correct the alleged nuisance. This section is not intended to abrogate,

and shall not be construed as abrogating, any remedy available under the common law of private nuisance.

2. A nuisance action for injunction relief may be brought by a neighborhood organization, as defined in section 32.105, RSMo, representing any person or persons who could maintain a nuisance action under this section or under the common law of private nuisance.

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