

SECOND REGULAR SESSION

SENATE BILL NO. 575

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 20, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4649S.011

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Section A. Section 67.402, RSMo, is repealed and one new section enacted
2 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
2 nuisance abatement ordinances as provided in this section:

3 (1) Any county of the first classification with more than one hundred
4 thirty-five thousand four hundred but fewer than one hundred thirty-five
5 thousand five hundred inhabitants;

6 (2) Any county of the first classification with more than seventy-one
7 thousand three hundred but fewer than seventy-one thousand four hundred
8 inhabitants;

9 (3) Any county of the first classification without a charter form of
10 government and with more than one hundred ninety-eight thousand but fewer
11 than one hundred ninety-nine thousand two hundred inhabitants;

12 (4) Any county of the first classification with more than eighty-five
13 thousand nine hundred but fewer than eighty-six thousand inhabitants;

14 (5) Any county of the third classification without a township form of
15 government and with more than sixteen thousand four hundred but fewer than
16 sixteen thousand five hundred inhabitants;

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

28 (10) Any county of the second classification with more than fifty-two
29 thousand six hundred but fewer than fifty-two thousand seven hundred
30 inhabitants; **and**

31 **(11) Any county of the first classification with more than two**
32 **hundred sixty thousand but fewer than three hundred thousand**
33 **inhabitants.**

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

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

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

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

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

56 property is located shall be made parties;

57 (4) Provide that upon failure to commence work of abating the nuisance
58 within the time specified or upon failure to proceed continuously with the work
59 without unnecessary delay, the building commissioner or designated officer or
60 officers shall call and have a full and adequate hearing upon the matter before
61 the county commission, giving the affected parties at least ten days' written
62 notice of the hearing. Any party may be represented by counsel, and all parties
63 shall have an opportunity to be heard. After the hearings, if evidence supports
64 a finding that the property is a nuisance or detrimental to the health, safety, or
65 welfare of the residents of the county, the county commission shall issue an order
66 making specific findings of fact, based upon competent and substantial evidence,
67 which shows the property to be a nuisance and detrimental to the health, safety,
68 or welfare of the residents of the county and ordering the nuisance abated. If the
69 evidence does not support a finding that the property is a nuisance or detrimental
70 to the health, safety, or welfare of the residents of the county, no order shall be
71 issued.

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

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

91 6. No county of the first, second, third, or fourth classification shall have

92 the power to adopt any ordinance, resolution, or regulation under this section
93 governing any railroad company regulated by the Federal Railroad
94 Administration.

✓

Unofficial

Bill

Copy