

FIRST REGULAR SESSION

# SENATE BILL NO. 57

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 3, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0119S.02I

## AN ACT

To repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds or trash in certain cities.

*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Section A. Section 71.285, RSMo, is repealed and one new section enacted  
2 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  
2 allowed to grow or accumulate, as the case may be, on any part of any lot or  
3 ground within any city, town or village in this state, the owner of the ground, or  
4 in case of joint tenancy, tenancy by entireties or tenancy in common, each owner  
5 thereof, shall be liable. The marshal or other city official as designated in such  
6 ordinance shall give a hearing after ten days' notice thereof, either personally or  
7 by United States mail to the owner or owners, or the owner's agents, or by posting  
8 such notice on the premises; thereupon, the marshal or other designated city  
9 official may declare the weeds or trash to be a nuisance and order the same to be  
10 abated within five days; and in case the weeds or trash are not removed within  
11 the five days, the marshal or other designated city official shall have the weeds  
12 or trash removed, and shall certify the costs of same to the city clerk, who shall  
13 cause a special tax bill therefor against the property to be prepared and to be  
14 collected by the collector, with other taxes assessed against the property; and the  
15 tax bill from the date of its issuance shall be a first lien on the property until  
16 paid and shall be prima facie evidence of the recitals therein and of its validity,  
17 and no mere clerical error or informality in the same, or in the proceedings  
18 leading up to the issuance, shall be a defense thereto. Each special tax bill shall  
19 be issued by the city clerk and delivered to the collector on or before the first day

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

20 of June of each year. Such tax bills if not paid when due shall bear interest at  
21 the rate of eight percent per annum. Notwithstanding the time limitations of this  
22 section, any city, town or village located in a county of the first classification may  
23 hold the hearing provided in this section four days after notice is sent or posted,  
24 and may order at the hearing that the weeds or trash shall be abated within five  
25 business days after the hearing and if such weeds or trash are not removed  
26 within five business days after the hearing, the order shall allow the city to  
27 immediately remove the weeds or trash pursuant to this section. Except for lands  
28 owned by a public utility, rights-of-way, and easements appurtenant or incidental  
29 to lands controlled by any railroad, the department of transportation, the  
30 department of natural resources or the department of conservation, the provisions  
31 of this subsection shall not apply to any city with a population of at least seventy  
32 thousand inhabitants which is located in a county of the first classification with  
33 a population of less than one hundred thousand inhabitants which adjoins a  
34 county with a population of less than one hundred thousand inhabitants that  
35 contains part of a city with a population of three hundred fifty thousand or more  
36 inhabitants, any city with a population of one hundred thousand or more  
37 inhabitants which is located within a county of the first classification that adjoins  
38 no other county of the first classification, or any city, town or village located  
39 within a county of the first classification with a charter form of government with  
40 a population of nine hundred thousand or more inhabitants, or any city with a  
41 population of three hundred fifty thousand or more inhabitants which is located  
42 in more than one county, or the City of St. Louis, where such city, town or village  
43 establishes its own procedures for abatement of weeds or trash, and such city may  
44 charge its costs of collecting the tax bill, including attorney fees, in the event a  
45 lawsuit is required to enforce a tax bill.

46         2. Except as provided in subsection 3 of this section, if weeds are allowed  
47 to grow, or if trash is allowed to accumulate, on the same property in violation of  
48 an ordinance more than once during the same growing season in the case of  
49 weeds, or more than once during a calendar year in the case of trash, in any city  
50 with a population of three hundred fifty thousand or more inhabitants which is  
51 located in more than one county, in the City of St. Louis, in any city, town or  
52 village located in a county of the first classification with a charter form of  
53 government with a population of nine hundred thousand or more inhabitants, in  
54 any fourth class city located in a county of the first classification with a charter  
55 form of government and a population of less than three hundred thousand, or in

56 any home rule city with more than one hundred thirteen thousand two hundred  
57 but less than one hundred thirteen thousand three hundred inhabitants located  
58 in a county with a charter form of government and with more than six hundred  
59 thousand but less than seven hundred thousand inhabitants, the marshal or other  
60 designated city official may order that the weeds or trash be abated within five  
61 business days after notice is sent to or posted on the property. In case the weeds  
62 or trash are not removed within the five days, the marshal or other designated  
63 city official may have the weeds or trash removed and the cost of the same shall  
64 be billed in the manner described in subsection 1 of this section.

65 3. If weeds are allowed to grow, or if trash is allowed to accumulate, on  
66 the same property in violation of an ordinance more than once during the same  
67 growing season in the case of weeds, or more than once during a calendar year  
68 in the case of trash, in any city with a population of three hundred fifty thousand  
69 or more inhabitants which is located in more than one county, in the City of St.  
70 Louis, in any city, town or village located in a county of the first classification  
71 with a charter form of government with a population of nine hundred thousand  
72 or more inhabitants, in any fourth class city located in a county of the first  
73 classification with a charter form of government and a population of less than  
74 three hundred thousand, in any home rule city with more than one hundred  
75 thirteen thousand two hundred but less than one hundred thirteen thousand  
76 three hundred inhabitants located in a county with a charter form of government  
77 and with more than six hundred thousand but less than seven hundred thousand  
78 inhabitants, in any third class city with a population of at least ten thousand  
79 inhabitants but less than fifteen thousand inhabitants with the greater part of  
80 the population located in a county of the first classification, in any city of the  
81 third classification with more than sixteen thousand nine hundred but less than  
82 seventeen thousand inhabitants, [or] in any city of the third classification with  
83 more than eight thousand but fewer than nine thousand inhabitants, **or in any**  
84 **city of the third classification with more than fifteen thousand but**  
85 **fewer than seventeen thousand inhabitants and located in any county**  
86 **of the first classification with more than sixty-five thousand but fewer**  
87 **than seventy-five thousand inhabitants**, the marshal or other designated  
88 official may, without further notification, have the weeds or trash removed and  
89 the cost of the same shall be billed in the manner described in subsection 1 of this  
90 section. The provisions of subsection 2 and this subsection do not apply to lands  
91 owned by a public utility and lands, rights-of-way, and easements appurtenant

92 or incidental to lands controlled by any railroad.

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

✓

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Bill

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