

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 780**  
**99TH GENERAL ASSEMBLY**

5178H.03C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 67.398, 67.410, and 84.510, RSMo, and to enact in lieu thereof four new sections relating to political subdivisions.

---

---

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

Section A. Sections 67.398, 67.410, and 84.510, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.398, 67.410, 82.462, and 84.510, to read as follows:

67.398. 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. Any ordinance authorized by this section shall provide for service to the owner of the property ~~and, if the property is not owner-occupied, to any occupant of the property~~ of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition

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 presents an immediate, specifically identified risk to the public health or safety, the notice shall  
19 provide a reasonable time, not less than ten days, in which to abate or commence removal of  
20 each condition identified in the notice. Written notice may be given by personal service or by  
21 first-class mail to ~~[both the occupant of the property at the property address and]~~ the owner at the  
22 last known address of the owner~~[-, if not the same]~~. Upon a failure of the owner to pursue the  
23 removal or abatement of such nuisance without unnecessary delay, the building commissioner  
24 or designated officer may cause the condition which constitutes the nuisance to be removed or  
25 abated. If the building commissioner or designated officer causes such condition to be removed  
26 or abated, the cost of such removal or abatement and the proof of notice to the owner of the  
27 property shall be certified to the city clerk or officer in charge of finance who shall cause the  
28 certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the  
29 collecting official's option, for the property and the certified cost shall be collected by the city  
30 collector or other official collecting taxes in the same manner and procedure for collecting real  
31 estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the  
32 collection of the delinquent bill shall be governed by the laws governing delinquent and back  
33 taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the  
34 owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted  
2 pursuant to section 67.400 shall:

3 (1) Set forth those conditions detrimental to the health, safety or welfare of the residents  
4 of the city, town, village, or county the existence of which constitutes a nuisance;

5 (2) Provide for duties of inspectors with regard to such buildings or structures and shall  
6 provide for duties of the building commissioner or designated officer or officers to supervise all  
7 inspectors and to hold hearings regarding such buildings or structures;

8 (3) Provide for service of adequate notice of the declaration of nuisance, which notice  
9 shall specify that the property is to be vacated, if such be the case, reconditioned or removed,  
10 listing a reasonable time for commencement; and may provide that such notice be served either  
11 by personal service ~~[or]~~ , by certified mail, return receipt requested, **or by a private delivery**  
12 **service that is substantially equivalent to certified mail**, but if service cannot be had by either  
13 of these modes of service, then service may be had by publication. The ordinances shall further  
14 provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an  
15 interest in the building or structure as shown by the land records of the recorder of deeds of the  
16 county wherein the land is located shall be made parties;

17 (4) Provide that upon failure to commence work of reconditioning or demolition within  
18 the time specified or upon failure to proceed continuously with the work without unnecessary  
19 delay, the building commissioner or designated officer or officers shall call and have a full and

20 adequate hearing upon the matter, giving the affected parties at least ten days' written notice of  
21 the hearing. Any party may be represented by counsel, and all parties shall have an opportunity  
22 to be heard. After the hearings, if the evidence supports a finding that the building or structure  
23 is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town,  
24 village, or county, the building commissioner or designated officer or officers shall issue an order  
25 making specific findings of fact, based upon competent and substantial evidence, which shows  
26 the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the  
27 residents of the city, town, village, or county and ordering the building or structure to be  
28 demolished and removed, or repaired. If the evidence does not support a finding that the  
29 building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents  
30 of the city, town, village, or county, no order shall be issued;

31 (5) Provide that if the building commissioner or other designated officer or officers issue  
32 an order whereby the building or structure is demolished, secured, or repaired, or the property  
33 is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of  
34 finance, who shall cause a special tax bill or assessment therefor against the property to be  
35 prepared and collected by the city collector or other official collecting taxes, unless the building  
36 or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the  
37 city, town, village, or county and such contractor files a mechanic's lien against the property  
38 where the dangerous building is located. The contractor may enforce this lien as provided in  
39 sections 429.010 to 429.360. Except as provided in subsection 3 of this section, at the request  
40 of the taxpayer the tax bill may be paid in installments over a period of not more than ten years.  
41 The tax bill from date of its issuance shall be deemed a personal debt against the property owner  
42 and shall also be a lien on the property until paid. A city not within a county or a city with a  
43 population of at least four hundred thousand located in more than one county, notwithstanding  
44 any charter provision to the contrary, may, by ordinance, provide that upon determination by the  
45 city that a public benefit will be gained the city may discharge the special tax bill, including the  
46 costs of tax collection, accrued interest and attorneys fees, if any.

47 2. If there are proceeds of any insurance policy based upon a covered claim payment  
48 made for damage or loss to a building or other structure caused by or arising out of any fire,  
49 explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up  
50 to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or  
51 ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the  
52 face value of the policy covering a building or other structure:

53 (1) The insurer shall withhold from the covered claim payment up to twenty-five percent  
54 of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-

55 bearing account. Any named mortgagee on the insurance policy shall maintain priority over any  
56 obligation under the order or ordinance;

57 (2) The city or county shall release the proceeds and any interest which has accrued on  
58 such proceeds received under subdivision (1) of this subsection to the insured or as the terms of  
59 the policy and endorsements thereto provide within thirty days after receipt of such insurance  
60 moneys, unless the city or county has instituted legal proceedings under the provisions of  
61 subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the  
62 provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that  
63 necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the  
64 removal, securing, repair and cleanup of the building or structure, and the lot on which it is  
65 located, less salvage value, shall be paid to the insured;

66 (3) If there are no proceeds of any insurance policy as set forth in this subsection, at the  
67 request of the taxpayer, the tax bill may be paid in installments over a period of not more than  
68 ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

69 (4) This subsection shall apply to fire, explosion, or other casualty loss claims arising  
70 on all buildings and structures;

71 (5) This subsection does not make the city or county a party to any insurance contract,  
72 and the insurer is not liable to any party for any amount in excess of the proceeds otherwise  
73 payable under its insurance policy.

74 3. The governing body of any city not within a county and the governing body of any city  
75 with a population of three hundred fifty thousand or more inhabitants which is located in more  
76 than one county may enact their own ordinances pursuant to section 67.400 and are exempt from  
77 subsections 1 and 2 of this section.

78 4. Notwithstanding the provisions of section 82.300, any city may prescribe and enforce  
79 and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400  
80 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by  
81 both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner  
82 of the property is not also a resident of the property, then such fine may not exceed two thousand  
83 dollars.

84 5. The ordinance may also provide that a city not within a county or a city with a  
85 population of at least three hundred fifty thousand located in more than one county may seek to  
86 recover the cost of demolition prior to the occurrence of demolition, as described in this  
87 subsection. The ordinance may provide that if the building commissioner or other designated  
88 officer or officers issue an order whereby the building or structure is ordered to be demolished,  
89 secured or repaired, and the owner has been given an opportunity for a hearing to contest such  
90 order, then the building commissioner or other designated officer or officers may solicit no less

91 than two independent bids for such demolition work. The amount of the lowest bid, including  
92 offset for salvage value, if any, plus reasonable anticipated costs of collection, including  
93 attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause  
94 a special tax bill to be issued against the property owner to be prepared and collected by the city  
95 collector or other official collecting taxes. The municipal clerk or other officer in charge of  
96 finance shall discharge the special tax bill upon documentation by the property owner of the  
97 completion of the ordered repair or demolition work. Upon determination by the municipal clerk  
98 or other officer in charge of finance that a public benefit is secured prior to payment of the  
99 special tax bill, the municipal clerk or other officer in charge of finance may discharge the  
100 special tax bill upon the transfer of the property. The payment of the special tax bill shall be held  
101 in an interest-bearing account. Upon full payment of the special tax bill, the building  
102 commissioner or other designated officer or officers shall, within one hundred twenty days  
103 thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including  
104 the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of  
105 finance who shall, if the actual cost differs from the paid amount by greater than two percent of  
106 the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is  
107 greater, cause a special tax bill or assessment for the difference against the property to be  
108 prepared and collected by the city collector or other official collecting taxes. If the building  
109 commissioner or other designated officer or officers shall not, within one hundred twenty days  
110 after full payment, cause the ordered work to be completed, then the full amount of the payment,  
111 plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at  
112 the request of the taxpayer the tax bill for the difference may be paid in installments over a  
113 period of not more than ten years. The tax bill for the difference from the date of its issuance  
114 shall be deemed a personal debt against the property owner and shall also be a lien on the  
115 property until paid.

**82.462. 1. Except as provided in subsection 3 of this section, a person who is not  
2 the owner of the real property or who is a creditor holding a lien interest on the property,  
3 and who suspects that the real property may be abandoned, may enter upon the premises  
4 of the real property to do the following:**

5 **(1) Without entering any structure located on the real property, visually inspect the  
6 real property to determine whether the real property may be abandoned;**

7 **(2) Upon a good faith determination based upon the inspection that the property  
8 is abandoned, perform any of the following actions:**

9 **(a) Secure the real property;**

10 **(b) Remove trash or debris from the grounds of the real property;**

11 **(c) Landscape, maintain, or mow the grounds of the real property;**

12           **(d) Remove or paint over graffiti on the real property.**

13           **2. A person who enters upon the premises and conducts the actions permitted in**  
14 **subsection 1 of this section and who makes a good faith determination based upon the**  
15 **inspection that the property is abandoned is immune from claims of civil and criminal**  
16 **trespass and all other civil liability therefor, unless the act or omission constitutes gross**  
17 **negligence or willful, wanton, or intentional misconduct.**

18           **3. In the case of real property that is subject to a mortgage or deed of trust, the**  
19 **creditor holding the debt secured by the mortgage or deed of trust may not enter upon the**  
20 **premises of the real property under subsection 1 of this section if entry is barred by an**  
21 **automatic stay issued by a bankruptcy court.**

22           **4. For purposes of this section, "abandoned" property means:**

23           **(1) A vacant, unimproved lot zoned residential or commercial for which the owner**  
24 **is in violation of a municipal nuisance or property maintenance code; or**

25           **(2) With respect to actions taken pursuant to this section by a creditor holding a**  
26 **lien interest in the property, a property that contains a structure or building that has been**  
27 **continuously unoccupied by persons legally entitled to possession for at least six months**  
28 **prior to entry under this section and the creditor's debt secured by such lien interest has**  
29 **been continuously delinquent for not less than three months; or**

30           **(3) With respect to actions taken pursuant to this section by persons other than**  
31 **creditors, a property that contains a structure or building that has been continuously**  
32 **unoccupied by persons legally entitled to possession for at least six months prior to entry**  
33 **under this section, and for which the owner is in violation of a municipal nuisance or**  
34 **property maintenance code, and for which either:**

35           **(a) Ad valorem property taxes are delinquent; or**

36           **(b) The property owner has failed to comply with any municipal ordinance**  
37 **requiring registration of vacant property, or the municipality has determined the structure**  
38 **to be uninhabitable due to deteriorated conditions.**

39           **5. This section shall apply only to real property located in any home rule city.**

84.510. 1. For the purpose of operation of the police department herein created, the chief  
2 of police, with the approval of the board, shall appoint such number of police department  
3 employees, including police officers and civilian employees as the chief of police from time to  
4 time deems necessary.

5           2. The base annual compensation of police officers shall be as follows for the several  
6 ranks:

7           (1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one  
8 thousand nine hundred sixty-nine dollars, nor more than ~~one hundred thirty-three thousand eight~~

9 ~~hundred eighty-eight~~ **one hundred forty-six thousand one hundred twenty-four** dollars per  
10 annum each;

11 (2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more  
12 than ~~[one hundred twenty-two thousand one hundred fifty-three]~~ **one hundred thirty-three**  
13 **thousand three hundred twenty** dollars per annum each;

14 (3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor  
15 more than ~~[one hundred eleven thousand four hundred thirty-four]~~ **one hundred twenty-one**  
16 **thousand six hundred eight** dollars per annum each;

17 (4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor  
18 more than ~~[ninety-seven thousand eighty-six]~~ **one hundred six thousand five hundred sixty**  
19 dollars per annum each;

20 (5) Master patrol officers at not less than fifty-six thousand three hundred four dollars,  
21 nor more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred**  
22 **thirty-two** dollars per annum each;

23 (6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor  
24 more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred**  
25 **thirty-two** dollars per annum each;

26 (7) Detectives, investigators, and police officers at not less than twenty-six thousand six  
27 hundred forty-three dollars, nor more than ~~[eighty-two thousand six hundred nineteen]~~ **eighty-**  
28 **seven thousand six hundred thirty-six** dollars per annum each.

29 3. The board of police commissioners has the authority by resolution to effect a  
30 comprehensive pay schedule program to provide for step increases with separate pay rates within  
31 each rank, in the above-specified salary ranges from police officers through chief of police.

32 4. Officers assigned to wear civilian clothes in the performance of their regular duties  
33 may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed  
34 officers may receive seventy-five dollars per month uniform maintenance allowance.

35 5. The chief of police, subject to the approval of the board, shall establish the total  
36 regular working hours for all police department employees, and the board has the power, upon  
37 recommendation of the chief, to pay additional compensation for all hours of service rendered  
38 in excess of the established regular working period, but the rate of overtime compensation shall  
39 not exceed one and one-half times the regular hourly rate of pay to which each member shall  
40 normally be entitled. No credit shall be given nor deductions made from payments for overtime  
41 for the purpose of retirement benefits.

42 6. The board of police commissioners, by majority affirmative vote, including the mayor,  
43 has the authority by resolution to authorize incentive pay in addition to the base compensation  
44 as provided for in subsection 2 of this section, to be paid police officers of any rank who they

45 determine are assigned duties which require an extraordinary degree of skill, technical  
46 knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor  
47 deductions made from these payments for the purpose of retirement benefits.

48         7. The board of police commissioners may effect programs to provide additional  
49 compensation for successful completion of academic work at an accredited college or university.  
50 No credit shall be given nor deductions made from these payments for the purpose of retirement  
51 benefits.

52         8. The additional pay increments provided in subsections 6 and 7 of this section shall not  
53 be considered a part of the base compensation of police officers of any rank and shall not exceed  
54 ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of  
55 this section.

56         9. Not more than twenty-five percent of the officers in any rank who are receiving the  
57 maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional  
58 pay increments authorized by subsections 6 and 7 of this section at any given time. However,  
59 any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and  
60 7 of this section shall not be deprived of such pay increment as a result of the limitations of this  
61 subsection.

✓