

FIRST REGULAR SESSION

SENATE BILL NO. 320

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Read 1st time January 29, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1655S.011

AN ACT

To repeal section 67.398, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances on private property.

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

Section A. Section 67.398, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 67.398, to read as follows:

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

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

17 3. Any ordinance authorized by this section shall provide for service of
18 **written notice** to the owner of the property and[, if the property is not
19 owner-occupied, to any occupant of the property of a written notice specifically

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

20 describing each condition of the lot or land declared to be a public nuisance, and
21 which notice shall identify what action will remedy the public nuisance] **listing**
22 **the nuisances, as described in subsection 1 of this section, causing the**
23 **condition and ordering abatement of the condition.** Unless a condition
24 presents an immediate, specifically identified risk to the public health or safety,
25 the notice shall provide a reasonable time, not less than ten days, in which to
26 abate or commence removal of each condition identified in the notice. Written
27 notice may be given by personal service or by first-class mail to [both the
28 occupant of the property at the property address and] the owner at the last
29 known address of the owner[, if not the same]. **Written notice may also be**
30 **given by United States certified mail, return receipt requested, or by**
31 **some other carrier and method for procuring the signature of the**
32 **notice recipient.**

33 4. Upon a failure of the owner to pursue the removal or abatement of such
34 nuisance without unnecessary delay, the building commissioner or designated
35 officer may cause the condition which constitutes the nuisance to be removed or
36 abated. If the building commissioner or designated officer causes such condition
37 to be removed or abated, the cost of such removal or abatement [and the proof of
38 notice to the owner of the property] shall be **recoverable. Recoverable cost**
39 **shall mean any expenditure made in an effort to induce nuisance**
40 **removal or abatement to occur and shall include, but not be limited to,**
41 **title report fees, mailings and postings, administrative fees, and**
42 **contractor fees. Such costs shall be** certified to the city clerk or officer in
43 charge of finance who shall [cause] **have the option of causing** the certified
44 cost to be included in a special tax bill or added to the annual real estate tax
45 bill[, at the collecting official's option, for the property and the certified cost
46 shall].

47 5. **A special tax bill shall be a debt against the owner of a**
48 **property with a condition described in subsection 1 of this section, a**
49 **lien against the property, and valid until paid, and bear interest until**
50 **paid at the legal rate and may be foreclosed upon by the city or other**
51 **authorized body through appropriate procedures in circuit court.**

52 6. **Certified costs added to the annual real estate tax bill shall**
53 **not be taxes nor a municipal lien, but for collection purposes shall be**
54 **an addition to the annual real estate tax bill to be collected by the city**
55 **collector or other official collecting taxes in the same manner and procedure for**

56 collecting real estate taxes. If the certified cost is not paid, the tax bill shall be
57 considered delinquent, and the collection of the delinquent bill shall be governed
58 by the laws governing delinquent and back taxes. [The tax bill from the date of
59 its issuance shall be deemed a personal debt against the owner and shall also be
60 a lien on the property from the date the tax bill is delinquent until paid.] **The**
61 **addition to the annual real estate tax bill shall run with the land and**
62 **shall not be discharged by transfer of the real estate.**

63 **7. If the nuisance is overgrown vegetation and noxious weeds**
64 **which are seven inches or more in height, in lieu of giving notice as**
65 **provided in subsection 3 of this section, a city or other authorized**
66 **governing body may give notice as provided by this subsection. The**
67 **city or governing body shall adopt an ordinance which states its weed**
68 **removal policy and notification procedure. Such procedure shall**
69 **provide for a minimum one-time yearly written notice by one of the**
70 **methods described in subsection 3 of this section to the owner of the**
71 **property. Such notice shall include the same information required in**
72 **subsection 3 of this section. In addition, such notice shall include a**
73 **statement that no further notice shall be given prior to removal of the**
74 **weeds. If there is a change in the record owner of title to property**
75 **after the giving of notice pursuant to this subsection, the city or**
76 **governing body shall provide notice as required by this subsection to**
77 **the new record owner of title to such property. The city may not**
78 **recover any costs or levy an assessment for the costs incurred by the**
79 **cutting or destruction of weeds on such property after the change in**
80 **record owner of title unless the new record owner of title to such**
81 **property has been provided notice as required by this section.**

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