

FIRST REGULAR SESSION

SENATE BILL NO. 25

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0136L.011

AN ACT

To repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances.

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Section A. Section 67.402, RSMo, is repealed and one new section enacted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 [less] **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 [less] **fewer** than seventy-one thousand four
8 hundred inhabitants[, and];

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 [less]
11 **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

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

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

18 2. The governing body of any county described in subsection 1
19 **of this section** may enact ordinances to provide for the abatement of a condition

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 any lot or land that has the presence of rubbish and trash, lumber, bricks, tin,
21 steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict
22 construction equipment, derelict appliances, broken furniture, or overgrown or
23 noxious weeds in residential subdivisions or districts which may endanger public
24 safety or which is unhealthy or unsafe and declared to be a public nuisance.

25 [2.] 3. Any ordinance enacted pursuant to this section shall:

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

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

32 (3) Provide for service of adequate notice of the declaration of nuisance,
33 which notice shall specify that the nuisance is to be abated, listing a reasonable
34 time for commencement, and may provide that such notice be served either by
35 personal service or by certified mail, return receipt requested, but if service
36 cannot be had by either of these modes of service, then service may be had by
37 publication. The ordinances shall further provide that the owner, occupant,
38 lessee, mortgagee, agent, and all other persons having an interest in the property
39 as shown by the land records of the recorder of deeds of the county wherein the
40 property is located shall be made parties;

41 (4) Provide that upon failure to commence work of abating the nuisance
42 within the time specified or upon failure to proceed continuously with the work
43 without unnecessary delay, the building commissioner or designated officer or
44 officers shall call and have a full and adequate hearing upon the matter before
45 the county commission, giving the affected parties at least ten days' written
46 notice of the hearing. Any party may be represented by counsel, and all parties
47 shall have an opportunity to be heard. After the hearings, if evidence supports
48 a finding that the property is a nuisance or detrimental to the health, safety, or
49 welfare of the residents of the county, the county commission shall issue an order
50 making specific findings of fact, based upon competent and substantial evidence,
51 which shows the property to be a nuisance and detrimental to the health, safety,
52 or welfare of the residents of the county and ordering the nuisance abated. If the
53 evidence does not support a finding that the property is a nuisance or detrimental
54 to the health, safety, or welfare of the residents of the county, no order shall be
55 issued.

56 [3.] 4. Any ordinance authorized by this section may provide that if the
57 owner fails to begin abating the nuisance within a specific time which shall not
58 be longer than seven days of receiving notice that the nuisance has been ordered
59 removed, the building commissioner or designated officer shall cause the
60 condition which constitutes the nuisance to be removed. If the building
61 commissioner or designated officer causes such condition to be removed or abated,
62 the cost of such removal shall be certified to the county clerk or officer in charge
63 of finance who shall cause the certified cost to be included in a special tax bill or
64 added to the annual real estate tax bill, at the county collector's option, for the
65 property and the certified cost shall be collected by the county collector in the
66 same manner and procedure for collecting real estate taxes. If the certified cost
67 is not paid, the tax bill shall be considered delinquent, and the collection of the
68 delinquent bill shall be governed by the laws governing delinquent and back
69 taxes. The tax bill from the date of its issuance shall be deemed a personal debt
70 against the owner and shall also be a lien on the property until paid.

✓
Bill

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