

FIRST REGULAR SESSION

# HOUSE BILL NO. 331

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GUEST AND CRAWFORD (Co-sponsors).

Read 1<sup>st</sup> time January 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0758L.011

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### AN ACT

To repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to nuisances.

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Section A. Section 71.285, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.285, to read as follows: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

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

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

39       2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or  
40 if trash is allowed to accumulate, on the same property in violation of an ordinance more than  
41 once during the same growing season in the case of weeds, or more than once during a calendar  
42 year in the case of trash, in any city with a population of three hundred fifty thousand or more  
43 inhabitants which is located in more than one county, in the City of St. Louis, in any city, town  
44 or village located in a county of the first classification with a charter form of government with  
45 a population of nine hundred thousand or more inhabitants, in any fourth class city located in a  
46 county of the first classification with a charter form of government and a population of less than  
47 three hundred thousand, or in any home rule city with more than one hundred thirteen thousand  
48 two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a  
49 county with a charter form of government and with more than six hundred thousand but less than  
50 seven hundred thousand inhabitants, the marshal or other designated city official may order that  
51 the weeds or trash be abated within five business days after notice is sent to or posted on the  
52 property. In case the weeds or trash are not removed within the five days, the marshal or other

53 designated city official may have the weeds or trash removed and the cost of the same shall be  
54 billed in the manner described in subsection 1 of this section.

55           3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same  
56 property in violation of an ordinance more than once during the same growing season in the case  
57 of weeds, or more than once during a calendar year in the case of trash, in any city with a  
58 population of three hundred fifty thousand or more inhabitants which is located in more than one  
59 county, in the City of St. Louis, in any city, town or village located in a county of the first  
60 classification with a charter form of government with a population of nine hundred thousand or  
61 more inhabitants, in any fourth class city located in a county of the first classification with a  
62 charter form of government and a population of less than three hundred thousand, in any home  
63 rule city with more than one hundred thirteen thousand two hundred but less than one hundred  
64 thirteen thousand three hundred inhabitants located in a county with a charter form of  
65 government and with more than six hundred thousand but less than seven hundred thousand  
66 inhabitants [or], in any third class city with a population of at least ten thousand inhabitants but  
67 less than fifteen thousand inhabitants with the greater part of the population located in a county  
68 of the first classification, **or in any city of the third classification with more than eight**  
69 **thousand but fewer than nine thousand inhabitants**, the marshal or other designated official  
70 may, without further notification, have the weeds or trash removed and the cost of the same shall  
71 be billed in the manner described in subsection 1 of this section. The provisions of subsection  
72 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way,  
73 and easements appurtenant or incidental to lands controlled by any railroad.

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