

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 947

92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government February 25, 2004, with recommendation that the House Committee Substitute for House Bill No. 947 Do Pass by Consent.

Perfecting by Consent March 4, 2004.

STEPHEN S. DAVIS, Chief Clerk

3524L.02P

AN ACT

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

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Section A. Section 71.285, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 71.285, to read as follows: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

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 proposed language.

14 facie evidence of the recitals therein and of its validity, and no mere clerical error or informality
15 in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each
16 special tax bill shall be issued by the city clerk and delivered to the collector on or before the first
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, **in any city of the third classification with more than sixteen**
69 **thousand nine hundred but less than seventeen thousand inhabitants, or in any city of the**
70 **third classification with more than eight thousand but fewer than nine thousand**
71 **inhabitants**, the marshal or other designated official may, without further notification, have the
72 weeds or trash removed and the cost of the same shall be billed in the manner described in
73 subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to
74 lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental
75 to lands controlled by any railroad.

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