

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1114**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Local Government April 28, 2004, with recommendation that the House Committee Substitute for Senate Bill No. 1114 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3903L.05C

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**AN ACT**

To repeal sections 67.402 and 82.291, RSMo, and to enact in lieu thereof two new sections relating to removal of nuisances.

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

Section A. Sections 67.402 and 82.291, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 67.402 and 82.291, to read as follows:

67.402. 1. The governing body of **any county of the first classification with more**  
2 **than one hundred thirty-five thousand four hundred but less than one hundred thirty-five**  
3 **thousand five hundred inhabitants, any county of the first classification with more than**  
4 **seventy-one thousand three hundred but less than seventy-one thousand four hundred**  
5 **inhabitants, and** any county of the first classification without a charter form of government and  
6 with more than one hundred ninety-eight thousand but less than one hundred ninety-nine  
7 thousand two hundred inhabitants may enact ordinances to provide for the abatement of a  
8 condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel,  
9 parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment,  
10 derelict appliances [and], broken furniture, **or overgrown or noxious weeds in residential**  
11 **subdivisions or districts** which may endanger public safety or which is unhealthy or unsafe and  
12 declared to be a public nuisance.

13 2. Any ordinance enacted pursuant to this section shall:

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

**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.**

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

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

27           (4) Provide that upon failure to commence work of abating the nuisance within the time  
28 specified or upon failure to proceed continuously with the work without unnecessary delay, the  
29 building commissioner or designated officer or officers shall call and have a full and adequate  
30 hearing upon the matter before the county commission, giving the affected parties at least ten  
31 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall  
32 have an opportunity to be heard. After the hearings, if evidence supports a finding that the  
33 property is a nuisance or detrimental to the health, safety, or welfare of the residents of the  
34 county, the county commission shall issue an order making specific findings of fact, based upon  
35 competent and substantial evidence, which shows the property to be a nuisance and detrimental  
36 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.  
37 If the evidence does not support a finding that the property is a nuisance or detrimental to the  
38 health, safety, or welfare of the residents of the county, no order shall be issued.

39           3. Any ordinance authorized by this section may provide that if the owner fails to begin  
40 abating the nuisance within a specific time which shall not be longer than seven days of receiving  
41 notice that the nuisance has been ordered removed, the building commissioner or designated  
42 officer shall cause the condition which constitutes the nuisance to be removed. If the building  
43 commissioner or designated officer causes such condition to be removed or abated, the cost of  
44 such removal shall be certified to the county clerk or officer in charge of finance who shall cause  
45 the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at  
46 the county collector's option, for the property and the certified cost shall be collected by the  
47 county collector in the same manner and procedure for collecting real estate taxes. If the  
48 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
49 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
50 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
51 a lien on the property until paid.

82.291. 1. For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassified as agricultural and horticultural property pursuant to section 4(b), article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, [2004] **2005**.