

SECOND REGULAR SESSION

# HOUSE BILL NO. 1355

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor),  
WILDBERGER AND RUCKER (Co-sponsors).

Pre-filed December 5, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3244L.01I

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### AN ACT

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

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*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Section A. Section 67.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.402, to read as follows: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 nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and] ;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

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

2. **The governing body of any county described in subsection 1 of this section may** enact ordinances to provide for the abatement of a condition of any lot or land that has the

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

15 presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict  
16 cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or  
17 overgrown or noxious weeds in residential subdivisions or districts which may endanger public  
18 safety or which is unhealthy or unsafe and declared to be a public nuisance.

19 [2.] 3. Any ordinance enacted pursuant to this section shall:

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

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

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

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

45 [3.] 4. Any ordinance authorized by this section may provide that if the owner fails to  
46 begin abating the nuisance within a specific time which shall not be longer than seven days of  
47 receiving notice that the nuisance has been ordered removed, the building commissioner or  
48 designated officer shall cause the condition which constitutes the nuisance to be removed. If the  
49 building commissioner or designated officer causes such condition to be removed or abated, the  
50 cost of such removal shall be certified to the county clerk or officer in charge of finance who

51 shall cause the certified cost to be included in a special tax bill or added to the annual real estate  
52 tax bill, at the county collector's option, for the property and the certified cost shall be collected  
53 by the county collector in the same manner and procedure for collecting real estate taxes. If the  
54 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
55 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
56 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
57 a lien on the property until paid.

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