



0720S02.03F

SENATE AMENDMENT NO. 3

Offered by Schaaf of 34th

Amend SCS/House Bill No. 142, Page 2, Section 55.030, Line 31,

by inserting after all of said line the following:

"67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or nuisance ordinances may issue a special tax bill against the property where such ordinance violations existed. The officer in charge of finance shall cause the amount of unrecovered costs to be included in a special tax bill or added to the annual real estate tax bill for the property at the collecting official's option, and the costs shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property until paid. Notwithstanding any provision of the city's charter to the contrary, the city may provide, by ordinance, that the city may discharge the special tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such

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1 discharge shall include any costs of tax collection, accrued
2 interest, or attorney fees related to the special tax bill."; and

3 Further amend said bill and page, section 479.115, line 19
4 by inserting after all of said line the following:

5 "479.011. 1. (1) The following cities may establish an
6 administrative adjudication system under this section:

7 (a) Any city not within a county [or];

8 (b) Any home rule city with more than four hundred thousand
9 inhabitants and located in more than one county; and

10 (c) Any home rule city with more than seventy-three
11 thousand but fewer than seventy-five thousand inhabitants.

12 (2) The cities listed in subdivision (1) of this subsection
13 may establish, by order or ordinance, an administrative system
14 for adjudicating housing, property maintenance, nuisance,
15 parking, and other civil, nonmoving municipal code violations
16 consistent with applicable state law. Such administrative
17 adjudication system shall be subject to practice, procedure, and
18 pleading rules established by the state supreme court, circuit
19 court, or municipal court. This section shall not be construed
20 to affect the validity of other administrative adjudication
21 systems authorized by state law and created before August 28,
22 2004.

23 2. The order or ordinance creating the administrative
24 adjudication system shall designate the administrative tribunal
25 and its jurisdiction, including the code violations to be
26 reviewed. The administrative tribunal may operate under the
27 supervision of the municipal court, parking commission, or other
28 entity designated by order or ordinance and in a manner
29 consistent with state law. The administrative tribunal shall

1 adopt policies and procedures for administrative hearings, and
2 filing and notification requirements for appeals to the municipal
3 or circuit court, subject to the approval of the municipal or
4 circuit court.

5 3. The administrative adjudication process authorized in
6 this section shall ensure a fair and impartial review of
7 contested municipal code violations, and shall afford the parties
8 due process of law. The formal rules of evidence shall not apply
9 in any administrative review or hearing authorized in this
10 section. Evidence, including hearsay, may be admitted only if it
11 is the type of evidence commonly relied upon by reasonably
12 prudent persons in the conduct of their affairs. The code
13 violation notice, property record, and related documentation in
14 the proper form, or a copy thereof, shall be prima facie evidence
15 of the municipal code violation. The officer who issued the code
16 violation citation need not be present.

17 4. An administrative tribunal may not impose incarceration
18 or any fine in excess of the amount allowed by law. Any
19 sanction, fine or costs, or part of any fine, other sanction, or
20 costs, remaining unpaid after the exhaustion of, or the failure
21 to exhaust, judicial review procedures under chapter 536 shall be
22 a debt due and owing the city, and may be collected in accordance
23 with applicable law.

24 5. Any final decision or disposition of a code violation by
25 an administrative tribunal shall constitute a final determination
26 for purposes of judicial review. Such determination is subject
27 to review under chapter 536 or, at the request of the defendant
28 made within ten days, a trial de novo in the circuit court.
29 After expiration of the judicial review period under chapter 536,

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1 unless stayed by a court of competent jurisdiction, the
2 administrative tribunal's decisions, findings, rules, and orders
3 may be enforced in the same manner as a judgment entered by a
4 court of competent jurisdiction. Upon being recorded in the
5 manner required by state law or the uniform commercial code, a
6 lien may be imposed on the real or personal property of any
7 defendant entering a plea of nolo contendere, pleading guilty to,
8 or found guilty of a municipal code violation in the amount of
9 any debt due the city under this section and enforced in the same
10 manner as a judgment lien under a judgment of a court of
11 competent jurisdiction. The city may also issue a special tax
12 bill to collect fines issued for housing, property maintenance,
13 and nuisance code violations."; and

14 Further amend the title and enacting clause accordingly.

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