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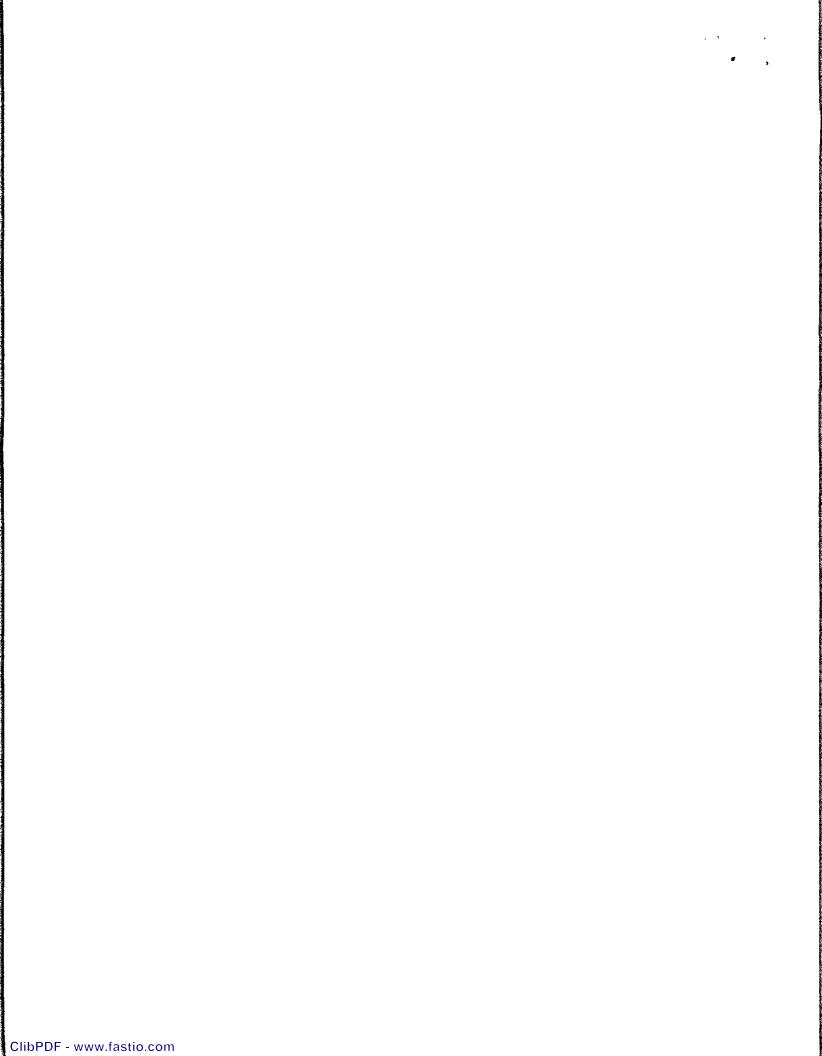
SENATE AMENDMENT NO. 3

Offer	ed by Schaaf of 34th
Amend	SCS/House Bill No. 142, Page 2 , Section 55.030 , Line 31 ,
2	by inserting after all of said line the following:
3	"67.451. Any city in which voters have approved fees to
4	recover costs associated with enforcement of municipal housing,
5	property maintenance, or nuisance ordinances may issue a special
6	tax bill against the property where such ordinance violations
7	existed. The officer in charge of finance shall cause the amount
8	of unrecovered costs to be included in a special tax bill or
9	added to the annual real estate tax bill for the property at the
10	collecting official's option, and the costs shall be collected by
11	the city collector or other official collecting taxes in the same
12	manner and procedure for collecting real estate taxes. If the
13	cost is not paid, the tax bill shall be considered delinquent,
14	and the collection of the delinquent bill shall be governed by
15	laws governing delinquent and back taxes. The tax bill shall be
16	deemed a personal debt against the owner from the date of
17	issuance, and shall also be a lien on the property until paid.
18	Notwithstanding any provision of the city's charter to the
19	contrary, the city may provide, by ordinance, that the city may
20	discharge the special tax bill upon a determination by the city

that a public benefit will be gained by such discharge, and such

adapted 4-26-11

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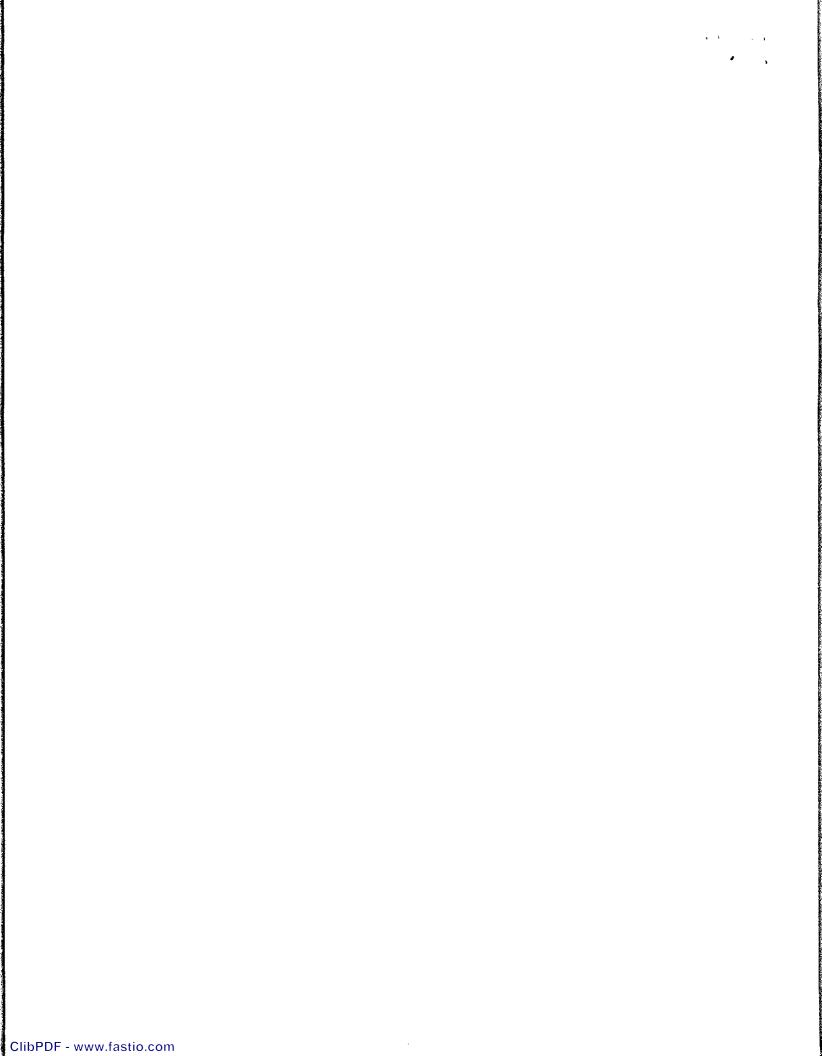


discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the special tax bill."; and

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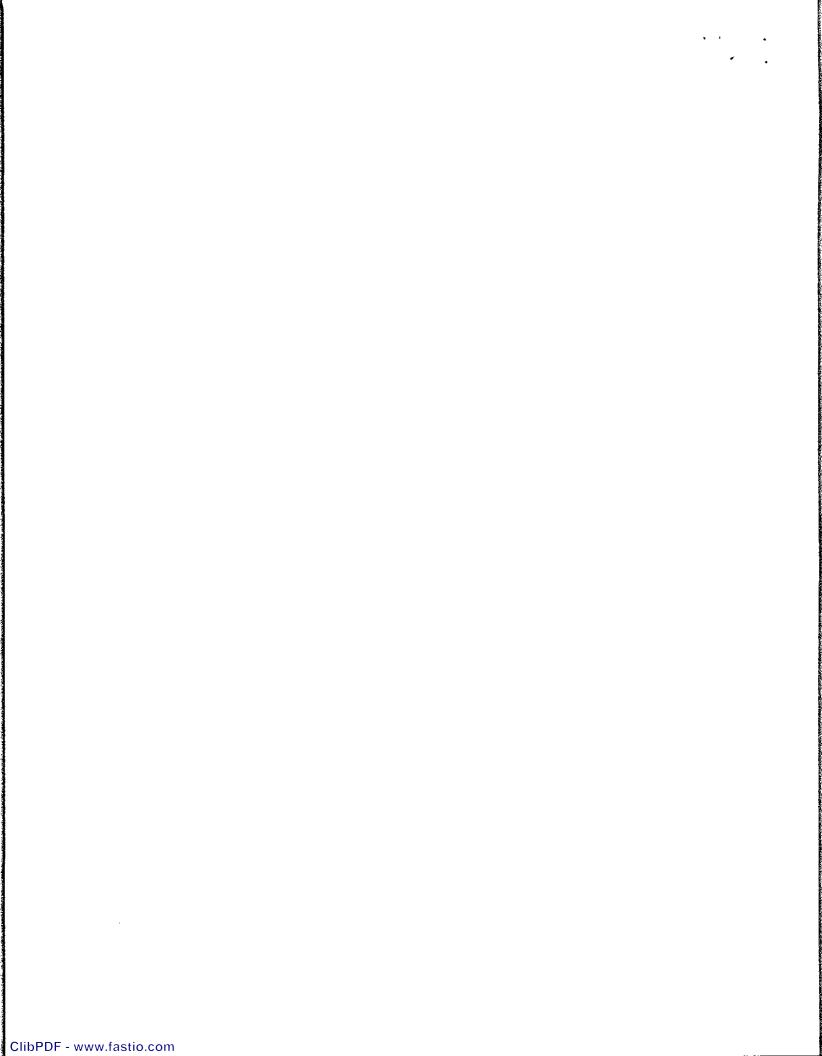
Further amend said bill and page, section 47 .115, line 19 by inserting after all of said line the following:

- "479.011. 1. (1) The following cities may establish an administrative adjudication system under this section:
 - (a) Any city not within a county [or];
- (b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county; and
- (c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.
- (2) The cities listed in subdivision (1) of this subsection may establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, nuisance, parking, and other civil, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.
- 2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall



- adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.
- 3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.
- 4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with applicable law.
- 5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court.

 After expiration of the judicial review period under chapter 536,



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

Further amend the title and enacting clause accordingly.

