

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Bill No. 90, Page 2,
 2 Section 54.330, Line 22, by inserting after all of said line the
 3 following:

4 "71.285. 1. Whenever weeds or trash, in violation of an
 5 ordinance, are allowed to grow or accumulate, as the case may be,
 6 on any part of any lot or ground within any city, town or village
 7 in this state, the owner of the ground, or in case of joint
 8 tenancy, tenancy by entireties or tenancy in common, each owner
 9 thereof, shall be liable. The marshal or other city official as
 10 designated in such ordinance shall give a hearing after ten days'
 11 notice thereof, either personally or by United States mail to the
 12 owner or owners, or the owner's agents, or by posting such notice
 13 on the premises; thereupon, the marshal or other designated city
 14 official may declare the weeds or trash to be a nuisance and
 15 order the same to be abated within five days; and in case the
 16 weeds or trash are not removed within the five days, the marshal
 17 or other designated city official shall have the weeds or trash
 18 removed, and shall certify the costs of same to the city clerk,
 19 who shall cause a special tax bill therefor against the property
 20 to be prepared and to be collected by the collector, with other
 21 taxes assessed against the property; and the tax bill from the
 22 date of its issuance shall be a first lien on the property until
 23 paid and shall be prima facie evidence of the recitals therein
 24 and of its validity, and no mere clerical error or informality in
 25 the same, or in the proceedings leading up to the issuance, shall
 26 be a defense thereto. Each special tax bill shall be issued by
 27 the city clerk and delivered to the collector on or before the
 28 first day of June of each year. Such tax bills if not paid when
 29 due shall bear interest at the rate of eight percent per annum.

Action Taken _____ Date _____

1 Notwithstanding the time limitations of this section, any city,
2 town or village located in a county of the first classification
3 may hold the hearing provided in this section four days after
4 notice is sent or posted, and may order at the hearing that the
5 weeds or trash shall be abated within five business days after
6 the hearing and if such weeds or trash are not removed within
7 five business days after the hearing, the order shall allow the
8 city to immediately remove the weeds or trash pursuant to this
9 section. Except for lands owned by a public utility,
10 rights-of-way, and easements appurtenant or incidental to lands
11 controlled by any railroad, the department of transportation, the
12 department of natural resources or the department of
13 conservation, the provisions of this subsection shall not apply
14 to any city with a population of at least seventy thousand
15 inhabitants which is located in a county of the first
16 classification with a population of less than one hundred
17 thousand inhabitants which adjoins a county with a population of
18 less than one hundred thousand inhabitants that contains part of
19 a city with a population of three hundred fifty thousand or more
20 inhabitants, any city with a population of one hundred thousand
21 or more inhabitants which is located within a county of the first
22 classification that adjoins no other county of the first
23 classification, or any city, town or village located within a
24 county of the first classification with a charter form of
25 government with a population of nine hundred thousand or more
26 inhabitants, or any city with a population of three hundred fifty
27 thousand or more inhabitants which is located in more than one
28 county, or the City of St. Louis, where such city, town or
29 village establishes its own procedures for abatement of weeds or
30 trash, and such city may charge its costs of collecting the tax
31 bill, including attorney fees, in the event a lawsuit is required
32 to enforce a tax bill.

33 2. Except as provided in subsection 3 of this section, if
34 weeds are allowed to grow, or if trash is allowed to accumulate,
35 on the same property in violation of an ordinance more than once
36 during the same growing season in the case of weeds, or more than
37 once during a calendar year in the case of trash, in any city

1 with a population of three hundred fifty thousand or more
2 inhabitants which is located in more than one county, in the City
3 of St. Louis, in any city, town or village located in a county of
4 the first classification with a charter form of government with a
5 population of nine hundred thousand or more inhabitants, in any
6 fourth class city located in a county of the first classification
7 with a charter form of government and a population of less than
8 three hundred thousand, or in any home rule city with more than
9 one hundred thirteen thousand two hundred but less than one
10 hundred thirteen thousand three hundred inhabitants located in a
11 county with a charter form of government and with more than six
12 hundred thousand but less than seven hundred thousand
13 inhabitants, the marshal or other designated city official may
14 order that the weeds or trash be abated within five business days
15 after notice is sent to or posted on the property. In case the
16 weeds or trash are not removed within the five days, the marshal
17 or other designated city official may have the weeds or trash
18 removed and the cost of the same shall be billed in the manner
19 described in subsection 1 of this section.

20 3. If weeds are allowed to grow, or if trash is allowed to
21 accumulate, on the same property in violation of an ordinance
22 more than once during the same growing season in the case of
23 weeds, or more than once during a calendar year in the case of
24 trash, in any city with a population of three hundred fifty
25 thousand or more inhabitants which is located in more than one
26 county, in the City of St. Louis, in any city, town or village
27 located in a county of the first classification with a charter
28 form of government with a population of nine hundred thousand or
29 more inhabitants, in any fourth class city located in a county of
30 the first classification with a charter form of government and a
31 population of less than three hundred thousand, in any home rule
32 city with more than one hundred thirteen thousand two hundred but
33 less than one hundred thirteen thousand three hundred inhabitants
34 located in a county with a charter form of government and with
35 more than six hundred thousand but less than seven hundred
36 thousand inhabitants, in any third class city with a population
37 of at least ten thousand inhabitants but less than fifteen

1 thousand inhabitants with the greater part of the population
2 located in a county of the first classification, in any city of
3 the third classification with more than sixteen thousand nine
4 hundred but less than seventeen thousand inhabitants, [or] in any
5 city of the third classification with more than eight thousand
6 but fewer than nine thousand inhabitants, in any city of the
7 fourth classification with more than eight thousand but fewer
8 than nine thousand inhabitants and located in any county of the
9 third classification without a township form of government and
10 with more than eighteen thousand but fewer than twenty thousand
11 inhabitants, or in any city of the third classification with more
12 than fifteen thousand but fewer than seventeen thousand
13 inhabitants and located in any county of the first classification
14 with more than sixty-five thousand but fewer than seventy-five
15 thousand inhabitants, the marshal or other designated official
16 may, without further notification, have the weeds or trash
17 removed and the cost of the same shall be billed in the manner
18 described in subsection 1 of this section. The provisions of
19 subsection 2 and this subsection do not apply to lands owned by a
20 public utility and lands, rights-of-way, and easements
21 appurtenant or incidental to lands controlled by any railroad.

22 4. The provisions of this section shall not apply to any
23 city with a population of one hundred thousand or more
24 inhabitants which is located within a county of the first
25 classification that adjoins no other county of the first
26 classification where such city establishes its own procedures for
27 abatement of weeds or trash, and such city may charge its costs
28 of collecting the tax bill, including attorney fees, in the event
29 a lawsuit is required to enforce a tax bill."; and
30

31 Further amend said title, enacting clause and intersectional
32 references accordingly.