

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 134, Page 2, Section 67.142, Line 10, by inserting
2 after all of said section and line the following:

3
4 "67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances
5 as provided in this section:

6 (1) Any county of the first classification with more than one hundred thirty-five thousand four
7 hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

8 (2) Any county of the first classification with more than seventy-one thousand three hundred but
9 fewer than seventy-one thousand four hundred inhabitants;

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

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

15 (5) Any county of the third classification without a township form of government and with more
16 than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants;

17 (6) Any county of the third classification with a township form of government and with more than
18 fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants;

19 (7) Any county of the first classification with more than eighty-two thousand but fewer than eighty-
20 two thousand one hundred inhabitants;

21 (8) Any county of the first classification with more than one hundred four thousand six hundred but
22 fewer than one hundred four thousand seven hundred inhabitants;

23 (9) Any county of the third classification with a township form of government and with more than
24 seven thousand nine hundred but fewer than eight thousand inhabitants; ~~and~~

25 (10) Any county of the second classification with more than fifty-two thousand six hundred but
26 fewer than fifty-two thousand seven hundred inhabitants;

27 (11) Any county of the first classification with more than sixty-five thousand but fewer than
28 seventy-five thousand inhabitants and with a county seat with more than fifteen thousand but fewer than
29 seventeen thousand inhabitants; and

30 (12) Any county of the first classification with more than fifty thousand but fewer than seventy
31 thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two
32 thousand four hundred inhabitants.

33 2. The governing body of any county described in subsection 1 of this section may enact ordinances
34 to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash,
35 lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction
36 equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions
37 or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public
38 nuisance.

39 3. Any ordinance enacted pursuant to this section shall:

Action Taken _____ Date _____

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

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

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

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

24 4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the
25 nuisance within a specific time which shall not be longer than seven days of receiving notice that the
26 nuisance has been ordered removed, the building commissioner or designated officer shall cause the
27 condition which constitutes the nuisance to be removed. If the building commissioner or designated officer
28 causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk
29 or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added
30 to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall
31 be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the
32 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill
33 shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance
34 shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

35 5. Nothing in this section authorizes any county to enact nuisance abatement ordinances that provide
36 for the abatement of any condition relating to agricultural structures or agricultural operations, including but
37 not limited to the raising of livestock or row crops.

38 6. No county of the first, second, third, or fourth classification shall have the power to adopt any
39 ordinance, resolution, or regulation under this section governing any railroad company regulated by the
40 Federal Railroad Administration."; and

41
42 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.