

SECOND REGULAR SESSION

# HOUSE BILL NO. 2663

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STINNETT.

5178H.03I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 67.398, RSMo, and to enact in lieu thereof one new section relating to the abatement of nuisances on private property.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 67.398, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.398, to read as follows:

67.398. 1. **(1)** The governing body of **the following political subdivisions may enact ordinances as provided in subdivision (2) of this subsection:**

(a) Any city or village~~[-or-]~~;

(b) Any county having a charter form of government~~[-or-]~~;

(c) Any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants~~[-]~~; or

(d) Any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants~~[-]~~.

**(2) The governing body of a political subdivision listed in subdivision (1) of this subsection** may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

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.

17           2. The governing body of any home rule city with more than four hundred thousand  
18 inhabitants and located in more than one county may enact ordinances for the abatement of a  
19 condition of any lot or land that has vacant buildings or structures open to entry.

20           3. Any ordinance authorized by this section shall provide for service to the owner of  
21 the property and, if the property is not owner-occupied, to any occupant of the property of a  
22 written notice specifically describing each condition of the lot or land declared to be a public  
23 nuisance, and which notice shall identify what action will remedy the public nuisance. Unless  
24 a condition presents an immediate, specifically identified risk to the public health or safety,  
25 the notice shall provide a reasonable time, not less than ten days, in which to abate or  
26 commence removal of ~~each~~ the condition identified in the notice. Written notice may be  
27 given by personal service or by first-class mail to both the occupant of the property at the  
28 property address and the owner at the last known address of the owner, if not the same.  
29 **Written notice may also be given by United States certified mail, return receipt**  
30 **requested, or by some other carrier and method for procuring the signature of the**  
31 **notice recipient.**

32           4. Upon a failure of the owner to pursue the removal or abatement of such ~~nuisance~~  
33 **condition** without unnecessary delay, the building commissioner or designated officer may  
34 cause the condition which constitutes the nuisance to be removed or abated. If the building  
35 commissioner or designated officer causes such condition to be removed or abated, the cost of  
36 such removal or abatement and the proof of notice to the owner of the property shall be  
37 certified to the city clerk or officer in charge of finance who shall cause the certified cost to be  
38 included in a special tax bill or added to the annual real estate tax bill, at the collecting  
39 official's option, for the property and the certified cost shall be collected by the city collector  
40 or other official collecting taxes in the same manner and procedure for collecting real estate  
41 taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the  
42 collection of the delinquent bill shall be governed by the laws governing delinquent and back  
43 taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the  
44 owner and shall also be a lien on the property from the date the tax bill is delinquent until  
45 paid.

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