

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326,  
2 Page 7, Section 59.022, Line 13, by inserting after said line the following:

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

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

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

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

15 (5) Any county of the third classification without a township form of government and with  
16 more 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  
18 more than 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  
20 eighty-two thousand one hundred inhabitants;

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

27 (11) Any county of the first classification with more than fifty thousand but fewer than  
28 seventy thousand inhabitants.

29 2. The governing body of any county described in subsection 1 of this section may enact  
30 ordinances to provide for the abatement of a condition of any lot or land that has the presence of

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1 rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict  
2 trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or  
3 noxious weeds in residential subdivisions or districts which may endanger public safety or which is  
4 unhealthy or unsafe and declared to be a public nuisance.

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

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

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

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

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

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

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

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

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.