

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 572, Pages 4-5, Section 67.398, Lines 1-37, by deleting all of said section and lines  
3 and inserting in lieu thereof the following;  
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5 "67.398. 1. The governing body of any city or village, or any county having a charter form  
6 of government, or any county of the first classification that contains part of a city with a population  
7 of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of  
8 a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris  
9 of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and  
10 noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or  
11 stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks,  
12 broken furniture, any flammable material which may endanger public safety or any material or  
13 condition which is unhealthy or unsafe and declared to be a public nuisance.

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

17 3. [Any ordinance authorized by this section may provide that if the owner fails to begin  
18 removing or abating the nuisance within a specific time which shall not be less than seven days of  
19 receiving notice that the nuisance has been ordered removed or abated, or upon] Any ordinance  
20 authorized by this section shall provide for service to the owner of the property and, if the property  
21 is not owner-occupied, to any occupant of the property of a written notice specifically describing  
22 each condition of the lot or land declared to be a public nuisance, and which notice shall identify  
23 what action will remedy the public nuisance. Unless a condition presents an immediate, specifically  
24 identified risk to the public health or safety, the notice shall provide a reasonable time, not less than  
25 ten days, in which to abate or commence removal of each condition identified in the notice. Written  
26 notice may be given by personal service or by first-class mail to both the occupant of the property at  
27 the property address and the owner at the last known address of the owner, if not the same. Upon a  
28 failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay,  
29 the building commissioner or designated officer may cause the condition which constitutes the  
30 nuisance to be removed or abated. If the building commissioner or designated officer causes such  
31 condition to be removed or abated, the cost of such removal or abatement and the proof of notice to  
32 the owner of the property shall be certified to the city clerk or officer in charge of finance who shall  
33 cause the certified cost to be included in [a special tax bill or added to] the annual real estate tax  
34 bill[, at the collecting official's option,] for the property and the certified cost shall be collected by  
35 the city collector or other official collecting taxes in the same manner and procedure for collecting  
36 real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.  
 2 The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall  
 3 also be a lien on the property from the date the tax bill is delinquent until paid.

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  
 7 thousand 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  
 9 hundred but fewer than seventy-one thousand four hundred inhabitants;

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

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

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

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

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

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

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

27 (10) Any county of the second classification with more than fifty-two thousand six  
 28 hundred but fewer than fifty-two thousand seven hundred inhabitants.

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

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

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

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

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

48 (4) Provide that upon failure to commence work of abating the nuisance within the

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

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

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

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

67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or property nuisance ordinances may [issue a special tax bill against] include any unrecovered costs or fines relating to the real property in the annual real estate tax bill for the property where such ordinance violations existed. Notwithstanding the last sentence of subsection 5 of section 479.011, the officer in charge of finance shall cause the amount of unrecovered costs or unpaid fines which are delinquent for more than a year to be [included in a special tax bill or] added to the annual real estate tax bill for the property if such property is still owned by the person incurring the costs or fines [at the collecting official's option,] and the costs and fines shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the [cost is] costs and fines are not paid by December 31 of the year in which the costs and fines are included in the tax bill, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property from the date the tax bill becomes delinquent until paid. Notwithstanding any provision of the city's charter to the contrary, the city may provide, by ordinance, that the city may discharge all or any portion of the unrecovered costs or fines added pursuant to this section to the [special] tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge

1 shall include any costs of tax collection, accrued interest, or attorney fees related to the [special] tax  
2 bill."; and  
3

4 Further amend said bill, Section 479.350, Page 10, Lines 14-15, by deleting all of said lines and  
5 inserting in lieu thereof the following:  
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7 "certified costs, not including fines, added to the annual real estate tax bill under section 67.398,  
8 67.402, or 67.451;"; and  
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10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.  
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