

HB 2794 -- PUBLIC NUISANCE

SPONSOR: Butler

This bill provides that a public nuisance exists in the City of St. Louis if, during a 12 month period, any premises are used for one or more of the following: the illegal sale, manufacture, storage, possession, distribution, or use of narcotics or other controlled substances, or drug paraphernalia; or the illegal sale, storage, possession, use, or distribution of a firearm, weapon, or explosive device.

The bill also provides that a public nuisance exists in the City of St. Louis if, during a 12 month period, any premises are used for two or more of the following: prostitution; illegal gambling; the illegal sale, distribution or consumption of alcoholic beverages; violations of municipal, state or federal business licensing requirements; commission of any offense punishable by imprisonment for 90 or more days; making a false report of a violation of the law to a law enforcement officer by any method; or activities constituting a felony under federal, state, or local law that is detrimental to public safety.

Calls to law enforcement officers for assistance regarding domestic violence, dating violence, sexual assault, or stalking by or on behalf of a person with a disability will not be considered as a public nuisance if the purpose of the call was related to that person's disability.

If a premise is deemed a public nuisance, notice must be given to the property owner and any tenants or occupants of the premises identifying the activities or conditions that constitute the nuisance and the abatement measures that must be taken within 30 days of the notice. The types of notice that are authorized and when an amended notice may be provided are described in the bill.

Penalties for engaging in or maintaining a nuisance by an owner, tenant, or other person, and for an owner's failure to abate a nuisance within 30 days are set out in the bill. Alternatively, an administrative hearing procedure is established for determination of a nuisance, the offense of maintaining a nuisance, or the offense of failing to abate a nuisance. What actions must be taken if a hearing officer orders closure of a premises are set out in the bill.

The City of St. Louis is prohibited from enacting an ordinance penalizing a resident, tenant, or landlord for a contact made for police or emergency assistance by or on behalf of a victim of abuse, crime, or an individual in an emergency.

The provisions of the bill preempt any local ordinance or regulation inconsistent with those provisions, regardless of the effective date of the ordinance or amendment.