

## *St. Louis City Ordinance 64164*

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 172

INTRODUCED BY ALDERMAN GREGORY CARTER , CRAIG SCHMID ,  
IRVING CLAY, JR.

An ordinance pertaining to public nuisances, amending section 10 of Ordinance 59860, approved on March 19, 1986 by changing the period of time in which an owner must abate a nuisance after receiving notice to abate under section 11.04.090 of the revised code from five (5) days to seven (7) days and repealing section 12 of Ordinance 59860 and enacting in lieu thereof a new section providing for the collection of costs associated with the abatement of public nuisances under Chapter 11.04 of the Revised Code of the City.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section 10 of Ordinance 59860, approved on March 19, 1986 is hereby amended by changing all references to the period of time in which an owner must abate a nuisance after receiving notice to abate from five (5) days to seven (7) days and shall read as follows:

11.04.090 Abatement procedure, Designated.

Except as provided in Section 11.04.080, weed and debris nuisances shall be proceeded against as follows:

A. If the Forestry Commissioner finds a weed nuisance, he shall give notice to the property owner as provided in subsection D of this section. If the condition has not been abated within the time provided in that subsection, the Forestry Commissioner shall abate it.

B. If debris, not of substantial value, is found on vacant property, the Forestry Commissioner shall give notice to the property owner as provided in subsection D of this section. If the condition has not been abated within the time provided in that subsection, the Forestry Commissioner shall abate it.

C. If debris is found on improved property, or if debris which appears to be of substantial value is found on any property, the Forestry Commissioner, if the condition is not abated within seven (7) days, shall notify the Health Commissioner, who shall inspect said property and notify the owner and occupant if different from the owner that he will conduct a hearing on the

condition on the seventh day following the date of the notice (or, if such seventh day be a Saturday, Sunday, or holiday, on the next day after such seventh day which is not a Saturday, Sunday, or holiday). Such hearing shall be informal and shall not be postponed or continued. The property owner or occupant may testify. Immediately upon the conclusion of such hearing, the Health Commissioner shall determine whether the condition is a public nuisance as defined in Section 11.04.060. If he so determines he shall order the condition abated within seventh (7) days. If the condition is not abated within such seven (7) days, the Forestry Commissioner or such other City department or division as may be directed by the Health Commissioner shall abate it.

D. Any notice provided for by this section shall specify the address of the property and the weed or debris condition existing on the property. Such notice shall be served:

1. By causing such notice to be delivered to the owner or other person in control; or
2. By mailing such notice, first class postage prepaid, to the property owner or other person in control of the property, either at his place of business or residence address in the City or elsewhere. Such notice shall be deemed served twenty-four (24) hours after the mailing of such notice if it is directed to a business or residence address in the City of St. Louis. If the owner or person in control of such property is a nonresident of the City and has no business address in the City, such notice shall be deemed served at the end of such period after the mailing thereof as in the ordinary course of delivery of mail would be required for delivery of such notice.
3. If no mailing address can be determined for the owner or person in control of such property, a copy of such notice shall be posted upon the lot or land in question; such posted notice shall be deemed served at the end of twenty-four (24) hours after the posting thereof.
4. In giving any notice under this chapter, any City official or employee shall proceed in a manner which is both consistent with this chapter and which is reasonably calculated to cause actual notice to reach the property owner or person in control of the property.
5. Such notice if given pursuant to subsections A or B of this section shall state that the weeds or debris must be removed, and that such removal must begin within two (2) days after such notice is served and be completed within five (5)

days after such notice is served. If given pursuant to subsection C of this section, the notice shall state time, place, and purpose of the hearing.

SECTION TWO. Section 12 of Ordinance 59860, approved on March 19, 1986 is hereby repealed and enacted in lieu thereof is a new section to read as follows: 11.04.110 Abatement-Billing for costs.

A. The Forestry Commissioner shall bill the owners of any property on which the City abates a nuisance under this chapter for the cost of such abatement. Any such bill for the abatement of a nuisance under the provisions of section 11.04.080 which is unpaid ninety (90) days after it is mailed may be referred to the City Counselor or to a collection agency for collection and shall bear interest at the highest rate allowed by law. Any such bill for the abatement of a nuisance under the provisions of 11.04.090 which the Forestry Commissioner has been unable to collect shall be certified to the comptroller who shall notify the collector of revenue. The collector of revenue shall include the certified cost in the annual real estate tax bill for the property and the certified cost shall be collected 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 until paid.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>09/12/97</b>	<b>09/12/97</b>	<b>PARK</b>	<b>10/03/97</b>	
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>10/10/97</b>			<b>10/10/97</b>	<b>10/10/97</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64164</b>				