

1 MUNICIPAL ~~H→~~ [WEED] ~~←H~~ ABATEMENT ~~H→~~ OF WEEDS AND
1a OTHER NEGLECTED ITEMS ON PROPERTY ~~←H~~

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 Sponsor: Michael T. Morley

6 LONG TITLE

7 General Description:

8 This bill modifies provisions relating to municipalities and the process of weed
9 abatement.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ increases from 20 to 30 days the amount of time a property owner has to pay the
- 13 municipal treasurer for costs incurred in cleaning up the property owner's property;
- 14 ▶ changes from registered mail to certified mail the method by which a demand letter
- 15 is mailed to the property owner; ~~H→~~ [and]

15a ▶ PROVIDES FOR THE RECOVERY OF ADMINISTRATIVE COSTS RELATED TO THE
15b ABATEMENT OF NEGLECTED WEEDS, GARBAGE, ~~S→~~ [REFUGE] REFUSE~~←S~~ , OBJECTS, OR
15c STRUCTURE; AND ~~←H~~

- 16 ▶ changes the deadline by which the city inspector must provide the county treasurer
- 17 documents related to the cleanup of a property owner's property.

18 Monies Appropriated in this Bill:

19 None

20 Other Special Clauses:

21 None

22 Utah Code Sections Affected:

23 AMENDS:

24 10-11-3, as last amended by Chapter 13, Laws of Utah 1963

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section 10-11-3 is amended to read:



28 **10-11-3. Neglect of property owners -- Removal by city -- Costs of removal.**

29 (1) (a) If any owner or occupant of lands described in [~~such~~] the notice [~~shall fail~~]
 30 under Section 10-11-2 fails or [~~neglect~~] neglects to eradicate, or destroy and remove, [~~such~~] the
 31 weeds, garbage, refuse, [~~object~~] objects, or structure upon the premises in accordance with
 32 [~~such~~] the notice, [~~it shall be the duty of~~] the inspector[;] shall:

33 (i) at the expense of the municipality, [~~to~~] employ necessary assistance and cause
 34 [~~such~~] the weeds, garbage, refuse, objects, or structures to be removed or destroyed[~~. He shall~~];
 35 and

36 (ii) prepare an itemized statement of all expenses ~~H→~~ **including administrative**
 36a **expenses, ←H** incurred in the removal and
 37 destruction of [~~same~~] the weeds, garbage, refuse, objects, or structures and [~~shall~~] mail a copy
 38 [~~thereof~~] of the statement to the owner demanding payment within [~~twenty~~] 30 days of the date
 39 of mailing. [~~Said~~]

40 (b) Each notice under Subsection (1)(a) shall be [~~deemed~~] considered delivered when
 41 mailed by [~~registered~~] certified mail addressed to the property owner's last-known address. [~~In~~
 42 the event]

43 (2) (a) If the owner fails to make payment of the amount set forth in [~~said~~] the
 44 statement to the municipal treasurer within [~~said twenty~~] the required 30 days, the inspector, on
 45 behalf of the municipality, may:

46 (i) cause suit to be brought in an appropriate court of law; or [~~may~~]

47 (ii) refer the matter to the county treasurer as [~~hereinafter~~] provided in Subsection
 48 (2)(c). [~~In the event~~]

49 (b) If collection of [~~said~~] the costs are pursued through the courts, the municipality
 50 may:

51 (i) sue for and receive judgment upon all of [~~said~~] the costs of removal and destruction
 51a ~~H→~~ **including administrative costs, ←H**
 52 together with reasonable attorneys' fees, interest, and court costs[~~. The municipality may~~]; and

53 (ii) execute on [~~such~~] the judgment in the manner provided by law. [~~In the event that~~]

54 (c) If the inspector elects to refer the matter to the county treasurer for inclusion in the
 55 tax notice of the property owner, [~~he~~] the inspector shall:

56 (i) make, in triplicate, an itemized statement of all expenses ~~H→~~ **including administrative**
 56a **expenses, ←H** incurred in the removal
 57 and destruction of the [~~same~~] weeds, garbage, refuse, objects, or structures; and [~~shall~~]

58 (ii) deliver the three copies of [~~said~~] the statement to the county treasurer within ten

59 days after the [~~completion of the work of removing such weeds, garbage, refuse, objects or~~
60 ~~structures~~] expiration of the 30-day period provided in the statement under Subsection
61 (1)(a)(ii).

Legislative Review Note
as of 11-27-04 2:27 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0162

Municipal Weed Abatement

10-Jan-05

6:00 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst