

**MUNICIPAL ABATEMENT OF WEEDS AND OTHER
NEGLECTED ITEMS ON PROPERTY**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael T. Morley

LONG TITLE

General Description:

This bill modifies provisions relating to municipalities and the process of abating weeds and other neglected items on property

Highlighted Provisions:

This bill:

- ▶ increases from 20 to 30 days the amount of time a property owner has to pay the municipal treasurer for costs incurred in cleaning up the property owner's property;
- ▶ changes from registered mail to certified mail the method by which a demand letter is mailed to the property owner;
- ▶ provides for the recovery of administrative costs related to the abatement of neglected weeds, garbage, refuse, objects, or structure; and
- ▶ changes the deadline by which the city inspector must provide the county treasurer documents related to the cleanup of a property owner's property.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

~~[In the event]~~

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

(i) sue for and receive judgment upon all of ~~[said]~~ the costs of removal and destruction, including administrative costs, together with reasonable attorneys' fees, interest, and court costs~~[-The municipality may]; and~~

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

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

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

(ii) deliver the three copies of ~~[said]~~ the statement to the county treasurer within ten days after the ~~[completion of the work of removing such weeds, garbage, refuse, objects or structures]~~ expiration of the 30-day period provided in the statement under Subsection (1)(a)(ii).