

26 10-11-4, as last amended by Laws of Utah 2011, Chapter 172



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

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

30 **10-11-3. Neglect of property owners -- Removal by municipality -- Costs of**
31 **removal -- Notice -- File action or lien -- Property owner objection.**

32 (1) (a) If an owner of, occupant of, or other person responsible for real property
33 described in the notice delivered in accordance with Section 10-11-2 fails to comply with
34 Section 10-11-2, a municipal inspector ~~shall~~ [f] may [f] ~~shall~~ :

35 (i) at the expense of the municipality, employ necessary assistance to enter the property
36 and destroy or remove an item identified in a written notice described in Section 10-11-2;
36a and ~~shall~~ **shall**

37 (ii) (A) prepare an itemized statement in accordance with Subsection (1)(b);
37a and ~~shall~~ **shall**

38 (B) mail to the owner of record according to the records of the county recorder a copy
39 of the statement demanding payment within 30 days after the day on which the statement is
40 post-marked.

41 (b) The statement described in Subsection (1)(a)(ii)(A) shall:

42 (i) include:

43 (A) the address of the property described in Subsection (1)(a);

44 (B) an itemized list of and demand for payment in a specified amount for all expenses,
45 including administrative expenses, incurred by the municipality under Subsection (1)(a)(i); and

46 (C) the address of the municipal treasurer where payment may be made for the
47 expenses; and

48 (ii) notify the property owner:

49 (A) that failure to pay the expenses described in Subsection (1)(b)(i)(B) may result in a
50 lien on the property in accordance with Section 10-11-4;

51 (B) that the owner may file a written objection to all or part of the statement within 20
52 days after the day of the statement post-mark; and

53 (C) where the owner may file the objection, including the municipal office and address.

54 (c) A statement mailed in accordance with Subsection (1)(a) is delivered when mailed
55 by certified mail addressed to the property owner's of record last known address according to
56 the records of the county recorder.

88 (a) file an action in district court for the actual cost determined under Subsection
89 (3)(b); or

90 (b) certify the past due costs and expenses to the county treasurer of the county in
91 which the property is located in accordance with Section 10-11-4.

92 (5) (a) If the municipality files an action in district court under Subsection (2)(a)(i) or
93 (4)(a), or certifies ~~H~~→ [a lien for] ←~~H~~ the past due costs and expenses under

93a Subsection (2)(a)(ii) or
94 (4)(b), the sum total of remittance for administrative expenses authorized in Subsection
95 (1)(b)(i)(B), or a cost, fee, or interest charge authorized in Subsection (2)(b)(i), that the
96 municipality may claim or certify may not exceed 100% of the actual cost of abatement
97 incurred by the municipality under Subsection (1)(a)(i).

98 (b) A municipality described in Subsection (5)(a) shall provide the owner with an
99 itemized statement that shows the calculation method of an expense, cost, fee, or charge made
100 in accordance with Subsection (5)(a).

101 [~~5~~] (6) This section does not affect or limit:

102 (a) a municipal governing body's power to pass an ordinance as described in Section
103 10-3-702; or

104 (b) a criminal or civil penalty imposed by a municipality in accordance with Section
105 10-3-703.

106 Section 2. Section **10-11-4** is amended to read:

107 **10-11-4. Costs of removal to be included in tax notice.**

108 (1) A municipality may certify to the treasurer of the county in which a property
109 described in Section 10-11-3 is located, the unpaid costs and expenses that the municipality has
110 incurred under Section 10-11-3 with regard to the property.

111 (2) If the municipality certifies with the treasurer of the county any costs or expenses
112 incurred for a property under Section 10-11-3, the treasurer shall enter the amount of the costs
113 and expenses on the assessment and tax rolls of the county in the column prepared for that
114 purpose.

115 (3) If current tax notices have been mailed, the treasurer of the county may carry the
116 costs and expenses described in Subsection (2) on the assessment and tax rolls to the following
117 year.

118 (4) (a) After entry by the treasurer of the county, the amount entered: