

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

- (1)
- (a) If an owner of, occupant of, or other person responsible for real property described in the notice delivered in accordance with Section 10-11-2 fails to comply with Section 10-11-2, a municipal inspector may:
 - (i) at the expense of the municipality, employ necessary assistance to enter the property and destroy or remove an item identified in a written notice described in Section 10-11-2; and
 - (ii)
 - (A) prepare an itemized statement in accordance with Subsection (1)(b); and
 - (B) mail to the owner of record according to the records of the county recorder a copy of the statement demanding payment within 30 days after the day on which the statement is post-marked.
 - (b) The statement described in Subsection (1)(a)(ii)(A) shall:
 - (i) include:
 - (A) the address of the property described in Subsection (1)(a);
 - (B) an itemized list of and demand for payment for all expenses, including administrative expenses, incurred by the municipality under Subsection (1)(a)(i); and
 - (C) the address of the municipal treasurer where payment may be made for the expenses; and
 - (ii) notify the property owner:
 - (A) that failure to pay the expenses described in Subsection (1)(b)(i)(B) may result in a lien on the property in accordance with Section 10-11-4;
 - (B) that the owner may file a written objection to all or part of the statement within 20 days after the day of the statement post-mark; and
 - (C) where the owner may file the objection, including the municipal office and address.
 - (c) A statement mailed in accordance with Subsection (1)(a) is delivered when mailed by certified mail addressed to the property owner's of record last-known address according to the records of the county recorder.
 - (d)
 - (i) A municipality may file a notice of a lien, including a copy of the statement described in Subsection (1)(a)(ii)(A) or a summary of the statement, in the records of the county recorder of the county in which the property is located.
 - (ii) If a municipality files a notice of a lien indicating that the municipality intends to certify the unpaid costs and expenses in accordance with Subsection (2)(a)(ii) and Section 10-11-4, the municipality shall file for record in the county recorder's office a release of the lien after all amounts owing are paid.
- (2)
- (a) If an owner fails to file a timely written objection as described in Subsection (1)(b)(ii)(B) or to pay the amount set forth in the statement under Subsection (1)(b)(i)(B), the municipality may:
 - (i) file an action in district court; or
 - (ii) certify the past due costs and expenses to the county treasurer of the county in which the property is located in accordance with Section 10-11-4.
 - (b) If a municipality pursues collection of the costs in accordance with Subsection (2)(a)(i) or (4)(a), the municipality may:
 - (i) sue for and receive judgment for all removal and destruction costs, including administrative costs, and reasonable attorney fees, interest, and court costs; and
 - (ii) execute on the judgment in the manner provided by law.

- (3)
 - (a) If a property owner files an objection in accordance with Subsection (1)(b)(ii), the municipality shall:
 - (i) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
 - (ii) mail or deliver notice of the hearing date and time to the property owner.
 - (b) At the hearing described in Subsection (3)(a)(i), the municipality shall review and determine the actual cost of abatement, if any, incurred under Subsection (1)(a)(i).
 - (c) The property owner shall pay any actual cost due after a decision by the municipality at the hearing described in Subsection (3)(a)(i) to the municipal treasurer within 30 days after the day on which the hearing is held.
- (4) If the property owner fails to pay in accordance with Subsection (3)(c), the municipality may:
 - (a) file an action in district court for the actual cost determined under Subsection (3)(b); or
 - (b) certify the past due costs and expenses to the county treasurer of the county in which the property is located in accordance with Section 10-11-4.
- (5) This section does not affect or limit:
 - (a) a municipal governing body's power to pass an ordinance as described in Section 10-3-702;
or
 - (b) a criminal or civil penalty imposed by a municipality in accordance with Section 10-3-703.

Amended by Chapter 172, 2011 General Session