

**72-7-208 Junkyard operated in violation of provisions is public nuisance -- Abatement -- Adjudicative proceedings -- Judicial review -- Costs of abatement.**

- (1) The establishment, operation, or maintenance of any junkyard contrary to the provisions of this part is a public nuisance.
- (2) The department shall:
  - (a) enforce the provisions of this part and administrative rules the department makes under this part; and
  - (b) except as provided in Subsection (3) and in its enforcement of the provisions of this part, comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (3)
  - (a) The district court has jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.
  - (b) Venue for judicial review of final orders of the department is in the county in which the junkyard is located.
- (4) If the department is granted a judgment, the department is entitled to take action necessary to cause the nuisance to be abated and is entitled to recover from the responsible person, firm, or corporation, jointly and severally:
  - (a) the costs and expenses incurred in abating the nuisance; and
  - (b) \$10 for each day the junkyard was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201.

Amended by Chapter 140, 2008 General Session