

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_s, or structure upon the premises in accordance with ~~[such]~~ the
32 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, object_s, or structures to be removed or destroyed~~[-He shall]~~;
35 and

36 (ii) prepare an itemized statement of all expenses 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
52 together with reasonable attorneys' fees, interest_s, 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 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 2-5-04 8:37 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0274

Municipal Weed Abatement

11-Feb-04
5:00 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst