♣ Approved for Filing: R.H. Rees♣ 02-06-04 11:36 AM♣

1	MUNICIPAL WEED ABATEMENT
2	2004 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Michael T. Morley
5	
6	LONG TITLE
7	General Description:
8	This bill modifies provisions relating to municipalities and the process of weed
9	abatement.
10	Highlighted Provisions:
11	This bill:
12	• increases from 20 to 30 days the amount of time a property owner has to pay the
13	municipal treasurer for costs incurred in cleaning up the property owner's property;
14	<ul> <li>changes from registered mail to certified mail the method by which a demand letter</li> </ul>
15	is mailed to the property owner; and
16	<ul> <li>changes the deadline for which the city inspector must provide the county treasurer</li> </ul>
17	documents related to the cleanup of a property owner's property.
18	Monies Appropriated in this Bill:
19	None
20	Other Special Clauses:
21	None
22	<b>Utah Code Sections Affected:</b>
23	AMENDS:
24	10-11-3, as last amended by Chapter 13, Laws of Utah 1963
25	
26	Be it enacted by the Legislature of the state of Utah:



27

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

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, 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, objects, or structures to be removed or destroyed[. He shall];	
35	<u>and</u>	
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. [ <del>Said</del> ]	
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	( <u>2</u> )( <u>c</u> ). [ <del>In the event</del> ]	
49	(b) If collection of [said] the costs are pursued through the courts, the municipality	
50	may <u>:</u>	
51	(i) sue for and receive judgment upon all of [said] the costs of removal and destruction	
52	together with reasonable attorneys' fees, interest, 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	

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- 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
- 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

iscal Note	Municipal Weed Abatement	11-Feb-04	
ill Number HB0274		5:00 PM	
State Impact			
No fiscal impact.			
Individual and Business In	mpact		
No fiscal impact.			

Office of the Legislative Fiscal Analyst