€ 12-17-04 10:59 AM €

| | MUNICIPAL WEED ABATEMENT | |
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| | 2005 GENERAL SESSION | |
| | STATE OF UTAH | |
| | Sponsor: Michael T. Morley | |
| | LONG TITLE | |
| | General Description: | |
| | This bill modifies provisions relating to municipalities and the process of weed | |
| | abatement. | |
| Highlighted Provisions: | | |
| | This bill: | |
| | • increases from 20 to 30 days the amount of time a property owner has to pay the | |
| | municipal treasurer for costs incurred in cleaning up the property owner's property; | |
| | changes from registered mail to certified mail the method by which a demand letter | |
| | is mailed to the property owner; and | |
| | changes the deadline by which the city inspector must provide the county treasurer | |
| | documents related to the cleanup of a property owner's property. | |
| Monies Appropriated in this Bill: | | |
| None | | |
| Other Special Clauses: | | |
| | None | |
| Utah Code Sections Affected: | | |
| | AMENDS: | |
| | 10-11-3, as last amended by Chapter 13, Laws of Utah 1963 | |



| 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 | <u>under Section 10-11-2 fails</u> or [<u>neglects</u>] <u>neglects</u> to eradicate, or destroy and remove, [<u>such</u>] <u>the</u> |
| 31 | weeds, garbage, refuse, [objects, or structure upon the premises in accordance with |
| 32 | [such] the 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. [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 <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
- 60 structures] expiration of the 30-day period provided in the statement under Subsection
- 61 <u>(1)(a)(ii)</u>.

Legislative Review Note as of 11-27-04 2:27 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

| iscal Note ill Number HB0162 | Municipal Weed Abatement | 10-Jan-05 6:00 PM |
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| | | 1,300,000,000,000 |
| State Impact | | |
| No fiscal impact. | | |
| Individual and Business In | npact | |
| No fiscal impact. | | |

Office of the Legislative Fiscal Analyst