

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~~] 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 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, 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 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

Fiscal Note
Bill Number HB0162

Municipal Weed Abatement

10-Jan-05

6:00 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst