

1 **ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND**
2 **UNSIGHTLY OBJECTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Peter C. Knudson**

6 House Sponsor: Eric K. Hutchings

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions authorizing a municipal legislative body to regulate the
11 abatement of weeds, garbage, refuse, or unsightly objects.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that an owner or occupant may select a person to provide an abatement
15 service with certain exceptions; and
16 ▶ makes technical corrections.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill coordinates with H.B. 268, Municipal Enforcement Regarding Property
21 Maintenance, by providing substantive and technical amendments.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-11-1**, as last amended by Laws of Utah 2003, Chapter 292

25 **Utah Code Sections Affected by Coordination Clause:**

26 **10-11-1**, as last amended by Laws of Utah 2003, Chapter 292

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-11-1** is amended to read:

30 **10-11-1. Abatement of weeds, garbage, refuse, and unsightly objects -- Selection**
31 **of service provider.**

32 (1) A municipal legislative body may designate, and regulate the abatement of,
33 injurious and noxious weeds, garbage, refuse, or any unsightly or deleterious objects or
34 structures, and may appoint a municipal inspector for the purpose of carrying out the provisions
35 of this chapter.

36 (2) Except as provided in Subsection (3), a municipal legislative body may not:

37 (a) prohibit an owner or occupant of real property within the municipality's
38 jurisdiction, including an owner or occupant who receives a notice in accordance with Section
39 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement
40 service for injurious and noxious weeds, garbage, refuse, or any unsightly or deleterious objects
41 or structures; or

42 (b) require that an owner or occupant described in Subsection (2)(a) use the services of
43 the municipal inspector or any assistance employed by the municipal inspector described in
44 Section 10-11-3 to provide an abatement service described in Subsection (2)(a).

45 (3) A municipality may require that an owner or occupant described in Subsection
46 (2)(a) use the abatement services, as described in Section 10-11-3, of the municipal inspector
47 or any assistance employed by the municipal inspector if:

48 (a) the municipality adopts an ordinance providing a reasonable period of time for an
49 owner or occupant to abate the owner's or occupant's property after receiving a notice described
50 in Section 10-11-2; and

51 (b) the owner or occupant fails to abate the property within the reasonable period of
52 time and in accordance with the notice.

53 **Section 2. Coordinating S.B. 290 with H.B. 268 -- Substantive and technical**
54 **amendments.**

55 If this S.B. 290 and H.B. 268, Municipal Enforcement Regarding Property
56 Maintenance, both pass, it is the intent of the Legislature that the Office of Legislative
57 Research and General Counsel shall prepare the Utah Code database for publication by

58 modifying Subsection 10-11-1(2)(a) to read:

59 "(2) A municipal legislative body may not:

60 (a) prohibit an owner or occupant of real property within the municipality's

61 jurisdiction, including an owner or occupant who receives a notice in accordance with Section

62 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement

63 service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal

64 object or structure; or".