

Senator Peter C. Knudson proposes the following substitute bill:

ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND

UNSIGHTLY OBJECTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Michael T. Morley

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that an owner or occupant may select a person to provide an abatement service; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

10-11-3, as last amended by Laws of Utah 2005, Chapter 69



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

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

28 **10-11-1. Abatement of weeds, garbage, refuse, and unsightly objects -- Selection**
29 **of service provider.**

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

34 (2) A municipal legislative body may not:

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

40 (b) require that an owner or occupant described in Subsection (2)(a) use the services of
41 the municipal inspector or any assistance employed by the municipal inspector described in
42 Section 10-11-3 to:

43 (i) provide an abatement service described in Subsection (2)(a); or

44 (ii) cause weeds, garbage, refuse, objects, or structures to be removed and destroyed
45 under Section 10-11-3.

46 Section 2. Section **10-11-3** is amended to read:

47 **10-11-3. Neglect of property owners -- Removal by city -- Costs of removal --**
48 **Owner selection of.**

49 (1) (a) If [~~any~~] an owner or occupant of lands described in the notice under Section
50 10-11-2 fails or neglects to eradicate, or destroy and remove, the weeds, garbage, refuse,
51 objects, or structure upon the premises in accordance with the notice, the municipal inspector
52 [~~shall~~] may:

53 (i) subject to Section 10-11-1, at the expense of the municipality, employ necessary
54 assistance and cause the weeds, garbage, refuse, objects, or structures to be removed [~~or~~] and
55 destroyed; and

56 (ii) prepare an itemized statement of all expenses, including administrative expenses,

57 incurred in the removal and destruction of the weeds, garbage, refuse, objects, or structures and
58 mail a copy of the statement to the owner demanding payment within 30 days of the date of
59 mailing.

60 (b) Each notice under Subsection (1)(a) shall be considered delivered when mailed by
61 certified mail addressed to the property owner's last-known address.

62 (2) (a) If the owner fails to make payment of the amount set forth in the statement to
63 the municipal treasurer within the required 30 days, the inspector, on behalf of the
64 municipality, may:

65 (i) cause suit to be brought in an appropriate court of law; or

66 (ii) refer the matter to the county treasurer as provided in Subsection (2)(c).

67 (b) If collection of the costs are pursued through the courts, the municipality may:

68 (i) sue for and receive judgment upon all of the costs of removal and destruction,
69 including administrative costs, together with reasonable [~~attorneys'~~ attorney fees, interest, and
70 court costs; and

71 (ii) execute on the judgment in the manner provided by law.

72 (c) If the inspector elects to refer the matter to the county treasurer for inclusion in the
73 tax notice of the property owner, the inspector shall:

74 (i) make, in triplicate, an itemized statement of all expenses, including administrative
75 expenses, incurred in the removal and destruction of the weeds, garbage, refuse, objects, or
76 structures; and

77 (ii) deliver the three copies of the statement to the county treasurer within 10 days after
78 the expiration of the 30-day period provided in the statement under Subsection (1)(a)(ii).

FISCAL NOTE

S.B. 290 1st Sub. (Green)

SHORT TITLE: **Abatement of Weeds, Garbage, Refuse, and Unsightly Objects**

SPONSOR: **Knudson, P.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.