

SB0290S02 compared with SB0290S01

~~{deleted text}~~ shows text that was in SB0290S01 but was deleted in SB0290S02.

inserted text shows text that was not in SB0290S01 but was inserted into SB0290S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: _____

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 with certain exceptions; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

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Other Special Clauses:

~~{ None }~~ This bill coordinates with H.B. 268, Municipal Enforcement Regarding Property Maintenance, by providing substantive and technical amendments.

Utah Code Sections Affected:

AMENDS:

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

Utah Code Sections Affected by Coordination Clause:

~~{10-11-3}~~10-11-1, as last amended by Laws of Utah ~~{2005}~~2003, Chapter ~~{69}~~292

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

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

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

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

(2) ~~{A}~~Except as provided in Subsection (3), a municipal legislative body may not:

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

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

~~{i}~~ provide an abatement service described in Subsection (2)(a).

(3) A municipality may require that an owner or occupant described in Subsection (2)(a)~~{i}~~ or

~~{ii}~~ cause weeds, garbage, refuse, objects, or structures to be removed and destroyed under use the abatement services, as described in Section 10-11-3~~{i}~~

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

~~10-11-3. Neglect of property owners -- Removal by city -- Costs of removal --
Owner selection of:~~

~~(1) (a) If ~~[any] an~~, of the municipal inspector or any assistance employed by the
municipal inspector if:~~

~~(a) the municipality adopts an ordinance providing a reasonable period of time for an
owner or occupant ~~{of lands described in the notice under}~~ to abate the owner's or occupant's
property after receiving a notice described in Section 10-11-2~~{ fails or neglects to eradicate, or
destroy and remove, the weeds, garbage, refuse, objects, or structure upon the premises}~~; and~~

~~(b) the owner or occupant fails to abate the property within the reasonable period of
time and in accordance with the notice~~{, the municipal inspector [shall] may:~~~~

~~(i) subject to Section 10-11-1, at the expense of~~}~~.~~

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

~~If this S.B. 290 and H.B. 268, Municipal Enforcement Regarding Property
Maintenance, both pass, it is the intent of the Legislature that the Office of Legislative
Research and General Counsel shall prepare the Utah Code database for publication by
modifying Subsection 10-11-1(2)(a) to read:~~

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

~~(a) prohibit an owner or occupant of real property within the ~~{municipality, employ
necessary assistance and cause the weeds, garbage, refuse, objects, or structures to be removed
[or] and destroyed; and~~~~

~~(ii) prepare an itemized statement of all expenses, including administrative expenses,
incurred in the removal and destruction of the weeds, garbage, refuse, objects, or structures and
mail a copy of the statement to the owner demanding payment within 30 days of the date of
mailing.~~

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

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

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- ~~(i) cause suit to be brought in an appropriate court of law; or~~
- ~~(ii) refer the matter to the county treasurer as provided in Subsection (2)(c).~~
- ~~(b) If collection of the costs are pursued through the courts, the municipality may:~~
- ~~(i) sue for and receive judgment upon all of the costs of removal and destruction; municipality's jurisdiction, including administrative costs, together with reasonable [attorneys'] attorney fees, interest, and court costs; and~~
- ~~(ii) execute on the judgment in the manner provided by law.~~
- ~~(c) If the inspector elects to refer the matter to the county treasurer for inclusion in the tax notice of the property owner, the inspector shall:~~
- ~~(i) make, in triplicate, an itemized statement of all expenses, including administrative expenses, incurred in the removal and destruction of the weeds, garbage, refuse, objects, or structures; and~~
- ~~(ii) deliver the three copies of the statement to the county treasurer within 10 days after the expiration of the 30-day period provided in the statement under Subsection (1)(a)(ii); an owner or occupant who receives a notice in accordance with Section 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal object or structure; or".~~