

# SB0184S01 compared with SB0184

~~{deleted text}~~ shows text that was in SB0184 but was deleted in SB0184S01.

Inserted text shows text that was not in SB0184 but was inserted into SB0184S01.

**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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{NUISANCE AND}~~Senator Daniel W. Thatcher proposes the following substitute bill:

## CODE ENFORCEMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{amends provisions related to nuisance and}~~requires local governments to provide certain due process in code enforcement.

#### Highlighted Provisions:

This bill:

▶ ~~{defines terms;~~

→ ~~modifies the process by which a municipality may designate, inspect, and abate nuisances and}~~prohibits local governments from:

• imposing non-judicial penalties for certain code violations~~;~~

→ ~~creates a process by which a county may designate, inspect, and abate nuisances and}~~unless the local government provides certain written notice; and

• collecting on an outstanding or pending penalty for certain code violations~~;~~

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- provides requirements for municipal and county inspectors regarding nuisance and code violation complaints and citations;
- prohibits the collection of penalties incurred before a certain date unless the nuisance or code violation inspection and citation complies with certain requirements;
- provides for the appeal of a nuisance or code violation citation; and
- makes technical and conforming changes; unless the local government imposed the penalty in relation to certain written notice.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

10-3-703.7, as repealed and reenacted by Laws of Utah 2012, Chapter 175

~~{10-1-203.5}~~ 17-53-228, as ~~{last amended}~~ enacted by Laws of Utah ~~{2017, Chapter 136~~

~~17-24-1, as last amended by Laws of Utah 2017, Chapter 460~~

~~59-2-1317, as last amended by Laws of Utah 2018, Chapter 197~~

ENACTS:

~~10-11-101, Utah Code Annotated 1953~~

~~10-11-102, Utah Code Annotated 1953~~

~~10-11-107, Utah Code Annotated 1953~~

~~10-11-108, Utah Code Annotated 1953~~

~~10-11-109, Utah Code Annotated 1953~~

~~17-50-601, Utah Code Annotated 1953~~

~~17-50-602, Utah Code Annotated 1953~~

~~17-50-603, Utah Code Annotated 1953~~

~~17-50-604, Utah Code Annotated 1953~~

~~17-50-605, Utah Code Annotated 1953~~

~~17-50-606, Utah Code Annotated 1953~~

~~17-50-607, Utah Code Annotated 1953~~

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~~17-50-608, Utah Code Annotated 1953~~

RENUMBERS AND AMENDS:

~~10-11-103, (Renumbered from 10-11-1, as last amended by Laws of Utah 2011, Chapters 144, 172 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 144)~~

~~10-11-104, (Renumbered from 10-11-2, as repealed and reenacted by Laws of Utah 2011, Chapter 172)~~

~~10-11-105, (Renumbered from 10-11-3, as last amended by Laws of Utah 2011, Chapter 172)~~

~~10-11-106, (Renumbered from 10-11-4, as last amended by Laws of Utah 2018, Chapter 197)~~

~~2013, Chapter 133~~

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

Section 1. Section ~~{10-1-203}~~10-3-703.~~{5}~~7 is amended to read:

~~{10-1-203.5. Disproportionate rental fee == Good landlord training program ==~~  
**Fee reduction.**

~~(1) As used in this section:~~

~~(a) "Business" means the rental of one or more residential units within a municipality.~~

~~(b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly-situated owner-occupied housing.~~

~~(c) "Disproportionate rental fee reduction" means a reduction of a disproportionate rental fee as a condition of complying with the requirements of a good landlord training program.~~

~~(d) "Exempt business" means the rental of a residential unit within a single structure that contains:~~

~~(i) no more than four residential units; and~~

~~(ii) one unit occupied by the owner.~~

~~(e) "Exempt landlord" means a residential landlord who demonstrates to a municipality:~~

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- ~~—— (i) completion of any live good landlord training program offered by any other Utah city that offers a good landlord program;~~
- ~~—— (ii) that the residential landlord has a current professional designation of "property manager"; or~~
- ~~—— (iii) compliance with a requirement described in Subsection (6).~~
- ~~—— (f) "Good landlord training program" means a program offered by a municipality to encourage business practices that are designed to reduce the disproportionate cost of municipal services to residential rental units by offering a disproportionate rental fee reduction for any residential landlord who:~~
  - ~~—— (i) (A) completes a landlord training program provided by the municipality; or~~
  - ~~—— (B) is an exempt landlord;~~
  - ~~—— (ii) implements measures to reduce crime in rental housing as specified in a municipal ordinance or policy; and~~
  - ~~—— (iii) operates and manages rental housing in accordance with an applicable municipal ordinance.~~
- ~~—— (g) "Municipal services" means:~~
  - ~~—— (i) public utilities;~~
  - ~~—— (ii) police;~~
  - ~~—— (iii) fire;~~
  - ~~—— (iv) code enforcement;~~
  - ~~—— (v) storm water runoff;~~
  - ~~—— (vi) traffic control;~~
  - ~~—— (vii) parking;~~
  - ~~—— (viii) transportation;~~
  - ~~—— (ix) beautification; or~~
  - ~~—— (x) snow removal.~~
- ~~—— (h) "Municipal services study" means a study of the cost of all municipal services to rental housing that:~~
  - ~~—— (i) are reasonably attributable to the rental housing; and~~
  - ~~—— (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.~~
- ~~—— (i) "Residential landlord" means:~~

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- ~~—— (i) the owner of record of residential real property that is leased or rented to another; or~~
- ~~—— (ii) a third-party provider that has an agreement with the owner of record to manage the owner's real property.~~
- ~~—— (2) The legislative body of a municipality may charge and collect a disproportionate rental fee on a business that causes disproportionate costs to municipal services if the municipality:~~
  - ~~—— (a) has performed a municipal services study; and~~
  - ~~—— (b) adopts a disproportionate rental fee that does not exceed the amount that is justified by the municipal services study on a per residential rental unit basis.~~
- ~~—— (3) A municipality may not:~~
  - ~~—— (a) impose a disproportionate rental fee on an exempt business;~~
  - ~~—— (b) require a residential landlord to deny tenancy to an individual based on the individual's criminal history unless a halfway house, as that term is defined in Section 51-9-412, is located within the municipality;~~
  - ~~—— (c) without cause and notice, require a residential landlord to submit to a random building inspection;~~
  - ~~—— (d) unless agreed to by a residential landlord and in compliance with state and federal law, collect from a residential landlord or retain:~~
    - ~~—— (i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15 U.S.C. Sec. 1681b as amended;~~
    - ~~—— (ii) a tenant's criminal history record information in violation of Section 53-10-108; or~~
    - ~~—— (iii) a copy of an agreement between the residential landlord and a tenant regarding the tenant's term of occupancy, rent, or any other condition of occupancy;~~
  - ~~—— (e) require that any documents required from the landlord be notarized; or~~
  - ~~—— (f) prohibit a residential landlord from passing on to the tenant the license or disproportionate fee.~~
- ~~—— (4) Nothing in this section shall limit:~~
  - ~~—— (a) a municipality's right to audit and inspect an exempt residential landlord's records to ensure compliance with a disproportionate rental fee reduction program; or~~
  - ~~—— (b) the right of a municipality with a short-term or vacation rental ordinance to review an owner's rental agreement to verify compliance with the municipality's ordinance.~~

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~~—— (5) Notwithstanding Section [10-11-2] 10-11-104, a residential landlord may provide the name and address of a person to whom all correspondence regarding the property shall be sent. If the landlord provides the name and address in writing, the municipality shall provide all further correspondence regarding the property to the designated person. The municipality may also provide copies of notices to the residential landlord.~~

~~—— (6) In addition to a requirement or qualification described in Subsection (1)(c), a municipality may recognize a good landlord training program described in its ordinance.~~

~~—— (7) (a) If a municipality adopts a good landlord program, the municipality shall provide an appeal procedure affording due process of law to a residential landlord who is denied a disproportionate rental fee reduction.~~

~~—— (b) A municipality may not adopt a new disproportionate rental fee unless the municipality provides a disproportionate rental fee reduction.~~

~~—— (8) A property manager who represents an owner of property that qualifies for a municipal disproportionate rental fee may not be restricted from simultaneously representing another owner of property that does not qualify for a municipal disproportionate rental fee.~~

~~—— 10-3-703.7. Administrative proceedings} **10-3-703.7. Administrative proceedings**  
**-- Penalty for code violation.**~~

(1) A municipality may adopt an ordinance establishing an administrative proceeding to review and decide a violation of a civil municipal ordinance.

(2) An ordinance adopted in accordance with Subsection (1) shall provide due process for parties participating in the administrative proceeding.

(3) (a) A municipality may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the municipality provides to the individual who is subject to the penalty written notice that:

(i) identifies the relevant regulation or ordinance at issue;

(ii) specifies the violation of the relevant regulation or ordinance; and

(iii) provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.

(b) A municipality may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance that is outstanding or pending on or after May 14, 2019, unless the municipality imposed the outstanding or pending penalty in relation to a written

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notice that:

- (i) identified the relevant regulation or ordinance at issue;
- (ii) specified the violation of the relevant regulation or ordinance; and
- (iii) provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.

Section 2. Section ~~{10-11-101~~ is enacted to read:

### ~~CHAPTER 11. NUISANCES AND CODE VIOLATIONS~~

~~10-11-101. Title:~~

~~This chapter is known as "Nuisances and Code Violations."~~

Section 3. Section ~~10-11-102~~ is enacted to read:

~~10-11-102. Definitions:~~

~~As used in this chapter:~~

~~(1) "Abate" means to eradicate, destroy, replace, or repair a nuisance or~~ 17-53-228 ~~is~~  
amended to read:

17-53-228. Administrative hearings and procedures -- Penalty for code violation~~{~~  
that a municipal inspector cites in accordance with this chapter:

~~(2) "Code violation" means any violation of a code or ordinance a municipality enforces.~~

~~(3) "Municipal inspector" means an individual who a municipal legislative body appoints for the purpose of carrying out the provisions of this chapter.~~

~~(4) "Nuisance" means an item identified in a municipal ordinance adopted under Subsection 10-11-103(1), including:~~

~~(a) the growth and spread of injurious and noxious weeds;~~

~~(b) garbage and refuse;~~

~~(c) a public nuisance; and~~

~~(d) an illegal object or structure.~~

~~(5) "Property owner" means the owner, according to the records of the county recorder, of real property which is the subject of a complaint or citation under this chapter.~~

~~(6) "Responsible party" means a person other than a property owner who:~~

~~(a) is responsible for real property which is the subject of a complaint or citation~~

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~~under this chapter; and~~

~~(b) is an occupant of the property or another person responsible for the property, including a manager or agent of the owner, if:~~

~~(i) the property owner is not an occupant of the property; and~~

~~(ii) the municipality in which the property is located has adopted an ordinance imposing a duty to maintain the property on:~~

~~(A) an occupant who is not the property owner; or~~

~~(B) a person other than the property owner who is responsible for the property.~~

~~Section 4. Section 10-11-103, which is renumbered from Section 10-11-1 is renumbered and amended to read:~~

~~[10-11-1]. 10-11-103. Abatement of nuisances and code violations -- Selection of service provider.~~

~~(1) A municipal legislative body may:~~

~~[(a) designate and regulate the abatement of:]~~

~~[(i) the growth and spread of injurious and noxious weeds;]~~

~~[(ii) garbage and refuse;]~~

~~[(iii) a public nuisance; or]~~

~~[(iv) an illegal object or structure; and]~~

~~(a) enact an ordinance that:~~

~~(i) designates and regulates the abatement of a nuisance or code violation;~~

~~(ii) subject to Section 10-3-703, provides penalties for violations of the ordinance;~~

~~and~~

~~(iii) creates an appeal process in accordance with Section 10-11-108; and~~

~~(b) appoint a municipal inspector [for the purpose of carrying out and in accordance with the provisions of this chapter].~~

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

~~(a) prohibit [an owner or occupant of real property] a property owner or responsible party within the municipality's jurisdiction, including [an owner or occupant] a property owner or responsible party who receives a [notice] citation in accordance with Section [10-11-2] 10-11-104, from selecting a person, as defined in Section 10-1-104, to provide an abatement service for [injurious and noxious weeds;~~



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~~garbage and refuse, a public nuisance, or an illegal object or structure] a nuisance or code violation; or~~

~~—— (b) require that [an owner or occupant] a property owner or responsible party 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] 10-11-105 to provide an abatement service described in Subsection (2)(a).~~

~~—— (3) A municipality may require that [an owner or occupant] a property owner or responsible party described in Subsection (2)(a) use the abatement services, as described in Section [10-11-3] 10-11-105, 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] a property owner or responsible party to abate [the owner's or occupant's property] a nuisance or code violation after receiving a [notice] citation described in Section [10-11-2] 10-11-104; and~~

~~—— (b) the [owner or occupant] property owner or responsible party fails to abate the [property] nuisance or code violation within the reasonable period of time and in accordance with the [notice] citation.~~

~~—— Section 5. Section 10-11-104, which is renumbered from Section 10-11-2 is renumbered and amended to read:~~

~~—— [10-11-2]. 10-11-104. Inspection of property -- Citation.~~

~~—— (1) (a) If a municipality adopts an ordinance [describing the duties of a municipal inspector appointed under Section 10-11-1] under Section 10-11-103 and appoints a municipal inspector, the ordinance:~~

~~—— (i) may, subject to [Subsection] Subsections (1)(b) and (3), direct the inspector to [examine and investigate] inspect real property for:~~

~~—— [(A) the growth and spread of injurious and noxious weeds;]~~

~~—— [(B) garbage and refuse;]~~

~~—— [(C) a public nuisance; or]~~

~~—— [(D) an illegal object or structure; and]~~

~~—— (A) a nuisance; and~~

~~—— (B) a code violation; and~~

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~~—— (ii) if an inspector conducts an [examination and investigation] inspection under this Subsection (1)(a) and determines that a nuisance or code violation exists, shall direct the inspector to [deliver written notice of the examination and investigation] serve a written citation in accordance with Subsection (2).~~

~~—— (b) An ordinance described in Subsection (1)(a) may not direct an inspector or authorize a municipality to abate conditions solely associated with the interior of a structure, unless required for the demolition and removal of the structure.~~

~~—— [(2) (a) (i) The municipal inspector shall serve written notice to a property owner of record according to the records of the county recorder in accordance with Subsection (2)(b).]~~

~~—— [(ii) The municipal inspector may serve written notice in accordance with Subsection (2)(b) to a non-owner occupant of the property or another person responsible for the property who is not the owner of record, including a manager or agent of the owner, if:]~~

~~—— [(A) the property owner is not an occupant of the property; and]~~

~~—— [(B) the municipality in which the property is located has adopted an ordinance imposing a duty to maintain the property on an occupant who is not the property owner of record or a person other than the property owner of record who is responsible for the property.]~~

~~—— [(b) The municipal inspector may serve the written notice:]~~

~~—— [(i) in person or by mail to the property owner of record as described in Subsection (2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or]~~

~~—— [(ii) in person or by mail to a non-owner occupant or another person responsible for the property who is not the owner of record as described in Subsection (2)(a)(ii), if mailed to the property address.]~~

~~—— (2) (a) A municipal inspector shall serve a written citation in person or by mail to the property owner, if mailed to the last-known address of the owner according to the records of the county recorder.~~

~~—— (b) A municipal inspector may serve a citation in person or by mail to a responsible party, if mailed to the property address.~~

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~~—— (c) In the [written notice] citation described in [Subsection] Subsections (2)(a) and (b), the municipal inspector shall:~~

~~—— (i) identify the property owner [of record according to the records of the county recorder];~~

~~—— (ii) describe the property and the nature and results of the [examination and investigation] inspection conducted in accordance with Subsection (1)(a); [and]~~

~~—— (iii) identify any nuisance or code violation found to exist at the property and the associated penalty for not abating the nuisance or code violation; and~~

~~—— (iv) if the inspector identifies a nuisance or code violation under Subsection (2)(c)(iii), specify, subject to Subsection (2)(f), the day on which the property owner or responsible party must abate the nuisance or code violation.~~

~~—— [(iii) require the property owner, occupant, or, if applicable, another person responsible for the property to:]~~

~~—— [(A) eradicate or destroy and remove any identified item examined and investigated under Subsection (1)(a); and]~~

~~—— [(B) comply with Subsection (2)(c)(iii)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice is delivered in person or post-marked.]~~

~~—— (d) For a [notice] citation of injurious and noxious weeds [described in Subsection (2)(a)], the municipal inspector is not required to make more than one [notice] citation for each annual season of weed growth for weeds growing on a property.~~

~~—— (e) The municipal inspector shall serve the [notice] citation required under this Subsection (2)[(a)(i)] under penalty of perjury.~~

~~—— (f) (i) Subject to Subsection (2)(f)(ii), a municipal inspector shall adjust the time period within which a property owner or responsible party is required to abate a nuisance or code violation based upon:~~

~~—— (A) the type and severity of the nuisance or code violation; and~~

~~—— (B) the cost to abate the nuisance or code violation.~~

~~—— (ii) Notwithstanding Subsection (2)(f)(i), a municipal inspector may not require a time period described in Subsection (2)(f)(i) of less than 10 days after the day on which the inspector serves the citation under Subsection (2)(a) or (b).~~

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~~—— (3) (a) A municipal inspector may inspect a property only after receiving a complaint about the property as described in Subsection (3)(b):~~

~~—— (b) (i) Subject to Subsection (3)(b)(ii), a person may file a complaint with a municipality if the person knows or has reason to believe that a nuisance or code violation exists at a property located within the municipality:~~

~~—— (ii) A person filing a complaint under Subsection (3)(b)(i) shall provide the municipality with the person's name and address:~~

~~—— (c) A municipality or municipal inspector may not:~~

~~—— (i) inspect a property if a complaint does not comply with Subsection (3)(b)(ii); or~~

~~—— (ii) release a complainant's name to the property owner or responsible party of the property which is the subject of the complaint:~~

~~—— Section 6. Section 10-11-105, which is renumbered from Section 10-11-3 is renumbered and amended to read:~~

~~—— [10-11-3]. — 10-11-105. Neglect of property owners -- Removal by municipality -- Costs of removal -- Notice -- File action or lien -- Property owner objection:~~

~~—— [(1) (a) If an owner of, occupant of, or other person responsible for real property described in the notice delivered in accordance with Section 10-11-2 fails to comply with Section 10-11-2, a municipal inspector may:]~~

~~—— (1) (a) If a property owner or responsible party described in the citation delivered in accordance with Section 10-11-104 fails to comply with the citation, a municipal inspector may:~~

~~—— (i) at the expense of the municipality, employ necessary assistance to enter the property and [destroy or remove an item] abate the nuisance or code violation identified in [a written notice described in Section 10-11-2] the citation; and~~

~~—— (ii) (A) prepare an itemized statement in accordance with Subsection (1)(b); and~~

~~—— (B) mail to the [owner of record according to the records of the county recorder] property owner a copy of the statement demanding payment within 30 days after the day on which the statement is post-marked:~~

~~—— (b) [The] A municipal inspector shall ensure that a statement described in Subsection (1)(a)(ii)(A) [shall]:~~

~~—— [(i) include:]~~

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~~—— (i) includes:~~

~~—— (A) the address of the property described in Subsection (1)(a);~~

~~—— (B) an itemized list of and demand for payment for all expenses, including administrative expenses, incurred by the municipality under Subsection (1)(a)(i); and~~

~~—— (C) the address of the municipal treasurer where payment may be made for the expenses; and~~

~~—— (ii) [notify] notifies the property owner:~~

~~—— (A) that failure to pay the expenses described in Subsection (1)(b)(i)(B) may result in a lien on the property in accordance with Section [10-11-4] 10-11-106;~~

~~—— (B) that the owner may file a written objection to all or part of the statement within 20 days after the day of the statement post-mark; and~~

~~—— (C) where the owner may file the objection, including the municipal office and address.~~

~~—— (c) A statement mailed in accordance with Subsection (1)(a) is delivered when mailed by certified mail addressed to the property owner's [of record] last-known address according to the records of the county recorder.~~

~~—— (d) (i) A municipality may file a notice of a lien, including a copy of the statement described in Subsection (1)(a)(ii)(A) or a summary of the statement, in the records of the county recorder of the county in which the property is located.~~

~~—— (ii) If a municipality files a notice of a lien indicating that the municipality intends to certify the unpaid costs and expenses in accordance with Subsection (2)(a)(ii) and Section [10-11-4] 10-11-106, the municipality shall file for record in the county recorder's office a release of the lien after all amounts owing are paid.~~

~~—— (2) (a) If [an] a property owner fails to file a timely written objection as described in Subsection (1)(b)(ii)(B) or to pay the amount set forth in the statement under Subsection (1)(b)(i)(B), the municipality may:~~

~~—— (i) file an action in district court; or~~

~~—— (ii) certify the past due costs and expenses to the county treasurer of the county in which the property is located in accordance with Section [10-11-4] 10-11-106.~~

~~—— (b) If a municipality pursues collection of the costs in accordance with Subsection (2)(a)(i) or (4)(a), the municipality may:~~

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~~—— (i) sue for and receive judgment for all removal and destruction costs, including administrative costs, and reasonable attorney fees, interest, and court costs; and~~

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

~~—— (3) (a) If a property owner files an objection in accordance with Subsection (1)(b)(ii), the municipality shall:~~

~~—— (i) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and~~

~~—— (ii) mail or deliver notice of the hearing date and time to the property owner.~~

~~—— (b) At the hearing described in Subsection (3)(a)(i), the municipality shall review and determine the actual cost of abatement, if any, incurred under Subsection (1)(a)(i):~~

~~—— (c) The property owner shall pay any actual cost due after a decision by the municipality at the hearing described in Subsection (3)(a)(i) to the municipal treasurer within 30 days after the day on which the hearing is held.~~

~~—— (4) If the property owner fails to pay in accordance with Subsection (3)(c), the municipality may:~~

~~—— (a) file an action in district court for the actual cost determined under Subsection (3)(b); or~~

~~—— (b) certify the past due costs and expenses to the county treasurer of the county in which the property is located in accordance with Section [10-11-4] 10-11-106.~~

~~—— (5) This section does not affect or limit:~~

~~—— (a) a municipal governing body's power to pass an ordinance as described in Section 10-3-702; or~~

~~—— (b) a criminal or civil penalty imposed by a municipality in accordance with Section 10-3-703.~~

~~—— Section 7. Section 10-11-106, which is renumbered from Section 10-11-4 is renumbered and amended to read:~~

~~—— [10-11-4]. 10-11-106. Costs of removal to be included in tax notice.~~

~~—— (1) A municipality may certify to the treasurer of the county in which a property described in Section [10-11-3] 10-11-105 is located, the unpaid costs and expenses that the municipality has incurred under Section [10-11-3] 10-11-105 with regard to the property.~~

~~—— (2) If the municipality certifies with the treasurer of the county any costs or~~

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~~expenses incurred for a property under Section [10-11-3] 10-11-105, the treasurer shall enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose:~~

~~—— (3) If current tax notices have been mailed, the treasurer of the county may carry the costs and expenses described in Subsection (2) on the assessment and tax rolls to the following year:~~

~~—— (4) (a) After entry by the treasurer of the county under Subsection (2):~~

~~—— (i) the amount entered is a nonrecurring tax notice charge that constitutes a political subdivision lien, as those terms are defined in Section 11-60-102, upon the property in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority; and~~

~~—— (ii) the treasurer of the county in which the property is located shall collect the amount entered at the time of the payment of general taxes.~~

~~—— (b) (i) Notwithstanding Subsection (7), the municipality may pursue judicial foreclosure to enforce the lien rather than relying on a tax sale.~~

~~—— (ii) If the municipality pursues judicial foreclosure under this Subsection (4)(b):~~

~~—— (A) the municipality shall record the lien in the office of the recorder of the county in which the lien property is located; and~~

~~—— (B) the priority date of the lien, for the purpose of the judicial foreclosure, is the date on which the municipality records the lien.~~

~~—— (5) Upon payment of the costs and expenses that the treasurer of the county enters under Subsection (2):~~

~~—— (a) the lien described in Subsection (4) is released from the property;~~

~~—— (b) the municipality shall record a release of the lien in the office of the recorder of the county in which the lien property is located; and~~

~~—— (c) the treasurer shall acknowledge receipt upon the general tax receipt that the treasurer issues:~~

~~—— (6) (a) If a municipality certifies unpaid costs and expenses under this section, the treasurer of the county shall provide a notice, in accordance with this Subsection (6), to the owner of the property for which the municipality has incurred the unpaid costs and expenses:~~

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~~—— (b) In providing the notice required in Subsection (6)(a), the treasurer of the county shall:~~

~~—— (i) include the amount of unpaid costs and expenses that a municipality has certified on or before July 15 of the current year;~~

~~—— (ii) provide contact information, including a phone number, for the property owner to contact the municipality to obtain more information regarding the amount described in Subsection (6)(b)(i); and~~

~~—— (iii) notify the property owner that:~~

~~—— (A) unless the municipality completes a judicial foreclosure under Subsection (4)(b), if the amount described in Subsection (6)(b)(i) is not paid in full by September 15 of the current year, any unpaid amount will be included on the property tax notice required by Section 59-2-1317; and~~

~~—— (B) the failure to pay the amount described in Subsection (6)(b)(i) has resulted in a lien on the property in accordance with Subsection (4).~~

~~—— (c) The treasurer of the county shall provide the notice required by this Subsection (6) to a property owner on or before August 1.~~

~~—— (d) If the municipality pursues judicial foreclosure under Subsection (4)(b) and completes the judicial foreclosure, before any tax sale proceedings on a property described in Subsection (1), the treasurer of the county shall remove from the assessment roll any costs or expenses that the treasurer added to the assessment roll under Subsection (2).~~

~~—— (7) If the amount described in Subsection (6)(b)(i) is not paid in full in a given year, by September 15, the county treasurer shall include any unpaid amount on the property tax notice required by Section 59-2-1317 for that year.~~

~~—— (8) This section does not apply to any public building, public structure, or public improvement.~~

~~—— Section 8. Section 10-11-107 is enacted to read:~~

~~—— 10-11-107. Penalties incurred before May 14, 2019.~~

~~—— A municipality may not collect a penalty related to a nuisance or code violation citation issued to a property owner before May 14, 2019, unless:~~

~~—— (1) a municipal inspector inspected the property subsequent to a complaint~~



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~~regarding the nuisance or code violation that resulted in the citation; and~~

~~—— (2) the citation:~~

~~—— (a) was delivered in writing to the property owner;~~

~~—— (b) identified the nuisance or code violation that the municipal inspector found to exist at the property; and~~

~~—— (c) specified the day on which the property owner or responsible party is required to abate the nuisance or code violation:~~

~~—— Section 9. Section 10-11-108 is enacted to read:~~

~~—— 10-11-108. Appeal of a citation:~~

~~—— (1) Each municipality adopting an ordinance under this chapter shall, in the ordinance, establish an appeal authority to hear and decide appeals from a citation enforcing the ordinance:~~

~~—— (2) Within 30 days after the day on which a municipal inspector issues a citation under this chapter, the property owner or responsible party of the property which is the subject of the citation may file an appeal with the appeal authority described in Subsection (1):~~

~~—— (3) An appeal authority shall serve as the final arbiter of issues involving the interpretation or application of an ordinance under this chapter:~~

~~—— Section 10. Section 10-11-109 is enacted to read:~~

~~—— 10-11-109. Effect of chapter:~~

~~—— Nothing in this chapter affects a municipal legislative body's ability to enforce a penalty under Section 10-9a-803:~~

~~—— Section 11. Section 17-24-1 is amended to read:~~

~~—— 17-24-1. General duties of treasurer:~~

~~—— The county treasurer shall:~~

~~—— (1) receive all money belonging to the county and all other money by law directed to be paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;~~

~~—— (2) deposit and invest all money received under Title 51, Chapter 7, State Money Management Act;~~

~~—— (3) keep a record of the receipts and expenditures of all such money;~~

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- ~~—— (4) disburse county money:~~
  - ~~—— (a) on a county warrant issued by the county auditor; or~~
  - ~~—— (b) subject to Section 17-19a-301, by a county check or such other payment mechanism as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;~~
  - ~~—— (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13, Collection of Taxes;~~
  - ~~—— (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5;~~
  - ~~—— (7) provide the notice required under Section [10-11-4] 10-11-106, 17-50-605, or 17B-1-902; and~~
  - ~~—— (8) perform other duties that are required by law or ordinance.~~
- ~~—— Section 12. Section 17-50-601 is enacted to read:~~

### ~~Part 6. Nuisances and Code Violations~~

- ~~—— 17-50-601. Definitions:~~
- ~~—— As used in this part:~~
- ~~—— (1) "Abate" means to eradicate, destroy, replace, or repair a nuisance or code violation that a county inspector cites in accordance with this part.~~
- ~~—— (2) "Code violation" means any violation of a code or ordinance a county enforces.~~
- ~~—— (3) "County inspector" means an individual who a county legislative body appoints for the purpose of carrying out the provisions of this part.~~
- ~~—— (4) "Nuisance" means an item identified in a county ordinance adopted under Subsection 17-50-602(1), including:~~
  - ~~—— (a) the growth and spread of injurious and noxious weeds;~~
  - ~~—— (b) garbage and refuse;~~
  - ~~—— (c) a public nuisance; or~~
  - ~~—— (d) an illegal object or structure.~~
- ~~—— (5) "Property owner" means the owner, according to the records of the county recorder, of real property which is the subject of a complaint or citation under this part.~~
- ~~—— (6) "Responsible party" means a person other than a property owner who:~~

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~~(a) is responsible for real property which is the subject of a complaint or citation under this part; and~~

~~(b) is an occupant of the property or another person responsible for the property, including a manager or agent of the owner, if:~~

~~(i) the property owner is not an occupant of the property; and~~

~~(ii) the county in which the property is located has adopted an ordinance imposing a duty to maintain the property on:~~

~~(A) an occupant who is not the property owner; or~~

~~(B) a person other than the property owner who is responsible for the property.~~

~~Section 13. Section 17-50-602 is enacted to read:~~

~~17-50-602. County inspection authorized.~~

~~(1) (a) Subject to Subsection (1)(b), a county legislative body may enact an ordinance that designates and regulates the abatement of a nuisance or code violation.~~

~~(b) A county legislative body shall ensure that an ordinance under Subsection (1)(a):~~

~~(i) provides for the appointment of a county inspector;~~

~~(ii) establishes an appeal process in accordance with Section 17-50-607;~~

~~(iii) does not prohibit a property owner or responsible party who receives a citation under this part from selecting a person to provide abatement service for a nuisance or code violation;~~

~~(iv) except as provided in Subsection (2), does not require a property owner or responsible party to use the service of the county inspector or the inspector's designee to provide abatement service;~~

~~(v) provides a process for the inspection and citation of a nuisance or code violation in accordance with Section 17-50-603;~~

~~(vi) does not direct a county inspector or authorize the county to abate conditions solely associated with the interior of a structure, unless required for the demolition and removal of the structure; and~~

~~(vii) in accordance with Section 17-53-223, establishes penalties for failure to address a nuisance or code violation for which a property owner or responsible party is cited.~~

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~~—— (2) A county may require a property owner or responsible party to use the county inspector's or the county's abatement services if:~~

~~—— (a) the county's ordinance adopted under this section provides a reasonable period of time for a property owner or responsible party to abate the nuisance or code violation after receiving a citation under Section 17-50-603; and~~

~~—— (b) the property owner or responsible party fails to abate the nuisance or code violation within the period of time described in the citation.~~

~~—— Section 14. Section 17-50-603 is enacted to read:~~

~~—— 17-50-603. Inspection of property -- Citation:~~

~~—— (1) (a) Subject to Subsections (1)(b) and (c), a county inspector may inspect a property only after receiving a complaint that a nuisance or code violation exists at the property.~~

~~—— (b) (i) Subject to Subsection (1)(b)(ii), a person may file a complaint with a county if the person knows or has reason to believe that a nuisance or code violation exists at a property located within the county.~~

~~—— (ii) A person filing a complaint under Subsection (1)(b)(i) shall provide the county with the person's name and address.~~

~~—— (c) A county or county inspector may not:~~

~~—— (i) inspect a property if a complaint does not comply with Subsection (1)(b)(ii); or~~

~~—— (ii) release a complainant's name to the property owner or responsible party of the property which is the subject of the complaint.~~

~~—— (2) If a nuisance or code violation is found to exist after inspection, a county inspector shall issue the property owner or responsible party a written citation in accordance with this section.~~

~~—— (3) (a) A county inspector shall serve the citation described in Subsection (2) in person or by mail to the property owner, if mailed to the last-known address of the owner according to the records of the county recorder.~~

~~—— (b) A county inspector may serve the citation described in Subsection (2) in person or by mail to a responsible party, if mailed to the property address.~~

~~—— (4) A county inspector shall ensure that a citation issued under this section:~~

~~—— (a) identifies the property owner;~~

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~~—— (b) describes the property and results of the inspection, including the nature of the nuisance or code violation that exists;~~

~~—— (c) subject to Subsection (6), describes the time period within which a property owner or responsible party has to abate the nuisance or code violation;~~

~~—— (d) identifies any penalties associated with the nuisance or code violation; and~~

~~—— (e) notifies the property owner or responsible party that:~~

~~—— (i) the property owner or responsible party must abate the nuisance or code violation within the time period described in Subsection (1)(c);~~

~~—— (ii) failure to abate the nuisance or code violation may result in a penalty as described in Subsection (1)(d); and~~

~~—— (iii) the property owner or responsible party may appeal the citation in accordance with Section 17-50-607.~~

~~—— (5) A county inspector shall serve a citation under this section under penalty of perjury.~~

~~—— (6) (a) Subject to Subsection (6)(b), a county inspector shall adjust the time period within which a property owner or responsible party is required to abate a nuisance or code violation based upon:~~

~~—— (i) the type and severity of the nuisance or code violation; and~~

~~—— (ii) the cost to abate the nuisance or code violation.~~

~~—— (b) Notwithstanding Subsection (6)(a), a county inspector may not require a time period described in Subsection (6)(a) of less than 10 days after the day on which the inspector serves a citation under Subsection (3);~~

~~—— Section 15. Section 17-50-604 is enacted to read:~~

~~—— 17-50-604. Neglect of property owners -- Abatement by county -- Costs of abatement -- Notice -- File action or lien -- Property owner objection.~~

~~—— (1) (a) If a property owner or responsible party who receives a citation under Section 17-50-603 fails to abate the nuisance or code violation in accordance with the citation, a county inspector may:~~

~~—— (i) at the expense of the county, employ necessary assistance to enter the property and abate the nuisance or code violation; and~~

~~—— (ii) (A) prepare an itemized statement in accordance with Subsection (1)(b); and~~

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~~—— (B) mail to the property owner a copy of the statement demanding payment within 30 days after the day on which the statement is post-marked;~~

~~—— (b) A county shall ensure that a statement described in Subsection (1)(a)(ii)(A):~~

~~—— (i) includes:~~

~~—— (A) the address of the property described in Subsection (1)(a);~~

~~—— (B) an itemized list of and demand for payment for all expenses, including administrative expenses, incurred by the county under Subsection (1)(a)(i); and~~

~~—— (C) the address of the county treasurer where payment may be made for the expenses; and~~

~~—— (ii) notifies the property owner:~~

~~—— (A) that failure to pay the expenses described in Subsection (1)(b)(i)(B) may result in a lien on the property in accordance with Section 17-50-605;~~

~~—— (B) that the property owner may file a written objection to all or part of the statement within 20 days after the day on which the statement is post-mark; and~~

~~—— (C) where the owner may file the objection, including the county office and address;~~

~~—— (c) A statement mailed in accordance with Subsection (1)(a) is delivered when mailed by certified mail addressed to the property owner's last-known address according to the records of the county recorder;~~

~~—— (d) (i) A county may file a notice of a lien, including a copy of the statement described in Subsection (1)(a)(ii)(A) or a summary of the statement, in the records of the county recorder of the county in which the property is located;~~

~~—— (ii) If a county files a notice of a lien indicating that the county intends to certify the unpaid costs and expenses in accordance with Subsection (2)(a)(ii) and Section 17-50-605, the county shall file for record in the county recorder's office a release of the lien after all amounts owing are paid;~~

~~—— (2) (a) If an owner fails to file a timely written objection as described in Subsection (1)(b)(ii)(B) or to pay the amount set forth in the statement under Subsection (1)(b)(i)(B), the county may:~~

~~—— (i) file an action in district court; or~~

~~—— (ii) certify the past due costs and expenses to the county treasurer of the county in~~

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~~which the property is located in accordance with Section 17-50-605:~~

~~—— (b) If a county pursues collection of the costs in accordance with Subsection (2)(a)(i) or (4)(a), the county may:~~

~~—— (i) sue for and receive judgment for all removal and destruction costs, including administrative costs, and reasonable attorney fees, interest, and court costs; and~~

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

~~—— (3) (a) If a property owner files an objection in accordance with Subsection (1)(b)(ii), the county shall:~~

~~—— (i) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and~~

~~—— (ii) mail or deliver notice of the hearing date and time to the property owner:~~

~~—— (b) At the hearing described in Subsection (3)(a)(i), the county shall review and determine the actual cost of abatement, if any, incurred under Subsection (1)(a)(i):~~

~~—— (c) The property owner shall pay any actual cost due after a decision by the county at the hearing described in Subsection (3)(a)(i) to the county treasurer within 30 days after the day on which the hearing is held.~~

~~—— (4) If the property owner fails to pay in accordance with Subsection (3)(c), the county may:~~

~~—— (a) file an action in district court for the actual cost determined under Subsection (3)(b); or~~

~~—— (b) certify the past due costs and expenses to the county treasurer of the county in which the property is located in accordance with Section 17-50-605.~~

~~—— (5) This section does not affect or limit a county legislative body's power, as described in Section 17-53-223:~~

~~—— (a) to pass an ordinance; or~~

~~—— (b) to impose a criminal or civil penalty.~~

~~—— Section 16. Section 17-50-605 is enacted to read:~~

~~—— 17-50-605. Costs of abatement to be included in tax notice:~~

~~—— (1) A county may certify to the treasurer of the county in which a property described in Section 17-50-604 is located, the unpaid costs and expenses that the county has incurred under Section 17-50-604 with regard to the property.~~

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~~—— (2) If the county certifies with the treasurer of the county any costs or expenses incurred for a property under Section 17-50-604, the treasurer shall enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose.~~

~~—— (3) If current tax notices have been mailed, the treasurer of the county may carry the costs and expenses described in Subsection (2) on the assessment and tax rolls to the following year.~~

~~—— (4) (a) After entry by the treasurer of the county under Subsection (2):~~

~~—— (i) the amount entered is a nonrecurring tax notice charge that constitutes a political subdivision lien, as those terms are defined in Section 11-60-102, upon the property in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority; and~~

~~—— (ii) the treasurer of the county in which the property is located shall collect the amount entered at the time of the payment of general taxes.~~

~~—— (b) (i) Notwithstanding Subsection (7), the county may pursue judicial foreclosure to enforce the lien rather than relying on a tax sale.~~

~~—— (ii) If the county pursues judicial foreclosure under this Subsection (4)(b):~~

~~—— (A) the county shall record the lien in the office of the recorder of the county in which the lien property is located; and~~

~~—— (B) the priority date of the lien, for the purpose of the judicial foreclosure, is the date on which the county records the lien.~~

~~—— (5) Upon payment of the costs and expenses that the treasurer of the county enters under Subsection (2):~~

~~—— (a) the lien described in Subsection (4) is released from the property;~~

~~—— (b) the county shall record a release of the lien in the office of the recorder of the county in which the lien property is located; and~~

~~—— (c) the treasurer shall acknowledge receipt upon the general tax receipt that the treasurer issues.~~

~~—— (6) (a) If a county certifies unpaid costs and expenses under this section, the treasurer of the county shall provide a notice, in accordance with this Subsection (6), to the owner of the property for which the county has incurred the unpaid costs and~~



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### expenses:

~~—— (b) In providing the notice required in Subsection (6)(a), the treasurer of the county shall:~~

~~—— (i) include the amount of unpaid costs and expenses that a county has certified on or before July 15 of the current year;~~

~~—— (ii) provide contact information, including a phone number, for the property owner to contact the county to obtain more information regarding the amount described in Subsection (6)(b)(i); and~~

~~—— (iii) notify the property owner that:~~

~~—— (A) unless the county completes a judicial foreclosure under Subsection (4)(b), if the amount described in Subsection (6)(b)(i) is not paid in full by September 15 of the current year, any unpaid amount will be included on the property tax notice required by Section 59-2-1317; and~~

~~—— (B) the failure to pay the amount described in Subsection (6)(b)(i) has resulted in a lien on the property in accordance with Subsection (4);~~

~~—— (c) The treasurer of the county shall provide the notice required by this Subsection (6) to a property owner on or before August 1.~~

~~—— (d) If the county pursues judicial foreclosure under Subsection (4)(b) and completes the judicial foreclosure, before any tax sale proceedings on a property described in Subsection (1), the treasurer of the county shall remove from the assessment roll any costs or expenses that the treasurer added to the assessment roll under Subsection (2).~~

~~—— (7) If the amount described in Subsection (6)(b)(i) is not paid in full in a given year, by September 15, the county treasurer shall include any unpaid amount on the property tax notice required by Section 59-2-1317 for that year.~~

~~—— (8) This section does not apply to any public building, public structure, or public improvement.~~

~~—— Section 17. Section 17-50-606 is enacted to read:~~

~~—— 17-50-606. Penalties incurred before May 14, 2019.~~

~~—— A county may not collect a penalty related to a nuisance or code violation citation issued to a property owner before May 14, 2019, unless:~~

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~~(1) a county inspector inspected the property subsequent to a complaint regarding the nuisance or code violation that resulted in the citation; and~~

~~(2) the citation:~~

~~(a) was delivered in writing to the property owner;~~

~~(b) identified the nuisance or code violation that the county inspector found to exist at the property; and~~

~~(c) specified the day on which the property owner or responsible party is required to abate the nuisance or code violation.~~

~~Section 18. Section 17-50-607 is enacted to read:~~

~~17-50-607. Appeal of a citation.~~

~~(1) Each county adopting an ordinance under this part shall, in the ordinance, establish an appeal authority to hear and decide appeals from a citation enforcing the ordinance.~~

~~(2) Within 30 days after the day on which a county inspector issues a citation under this part, the property owner or responsible party of the property which is the subject of the citation may file an appeal with the appeal authority described in Subsection (1).~~

~~(3) An appeal authority shall serve as the final arbiter of issues involving the interpretation or application of an ordinance under this part.~~

~~Section 19. Section 17-50-608 is enacted to read:~~

~~17-50-608. Effect of part.~~

~~Nothing in this part affects a county legislative body's ability to enforce a penalty under Section 17-27a-803.~~

~~17-53-228. Administrative hearings and procedures}.~~

(1) A county may adopt an ordinance establishing an administrative hearing process to review and decide matters relating to the violation, enforcement, or administration of a county civil ordinance, including an ordinance related to the following:

- (a) a building code;
- (b) planning and zoning;
- (c) animal control;
- (d) licensing;

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- (e) health and safety;
- (f) county employment; or
- (g) sanitation.

(2) An ordinance adopted in accordance with Subsection (1) shall provide appropriate due process protections for a party participating in an administrative hearing.

(3) An administrative hearing held in accordance with an ordinance described in Subsection (1) may be conducted by an administrative law judge.

(4) A county may not impose a civil penalty and adjudication for the violation of a county moving traffic ordinance.

~~{Section 20. Section 59-2-1317 is amended to read:~~

~~———— 59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for providing notice.~~

~~———— (1) As used in this section, "political subdivision lien" means the same as that term is defined in Section 11-60-102.~~

~~———— (2) Subject to the other provisions of this section, the county treasurer shall:~~

~~———— (a) collect the taxes and tax notice charges; and~~

~~———— (b) provide a notice to each taxpayer that contains the following:~~

~~———— (i) the kind and value of property assessed to the taxpayer;~~

~~———— (ii) the street address of the property, if available to the county;~~

~~———— (iii) that the property may be subject to a detailed review in the next year under Section 59-2-303.1;~~

~~———— (iv) the amount of taxes levied;~~

~~———— (v) a separate statement of the taxes levied only on a certain kind or class of property for a special purpose;~~

~~———— (vi) property tax information pertaining to taxpayer relief, options for payment of taxes, and collection procedures;~~

~~———— (vii) any tax notice charges applicable to the property, including:~~

~~———— (A) if applicable, a political subdivision lien for road damage that a railroad company causes, as described in Section 10-7-30;~~

~~———— (B) if applicable, a political subdivision lien for municipal water distribution, as described in Section 10-8-17, or a political subdivision lien for an increase in supply from a~~

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~~municipal water distribution, as described in Section 10-8-19;~~

~~—— (C) if applicable, a political subdivision lien for unpaid abatement fees as described in Section [10-11-4] 10-11-106 or 17-50-605;~~

~~—— (D) if applicable, a political subdivision lien for the unpaid portion of an assessment assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and interest as of the date the local entity certifies the unpaid amount to the county treasurer;~~

~~—— (E) if applicable, for a local district in accordance with Section 17B-1-902, a political subdivision lien for an unpaid fee, administrative cost, or interest;~~

~~—— (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge as described in Section 17B-2a-506; and~~

~~—— (G) if applicable, a political subdivision lien for a contract assessment under a water contract, as described in Section 17B-2a-1007;~~

~~—— (viii) a statement that, due to potentially ongoing charges, costs, penalties, and interest, payment of a tax notice charge may not:~~

~~—— (A) pay off the full amount the property owner owes to the tax notice entity; or~~

~~—— (B) cause a release of the lien underlying the tax notice charge;~~

~~—— (ix) the date the taxes and tax notice charges are due;~~

~~—— (x) the street address at which the taxes and tax notice charges may be paid;~~

~~—— (xi) the date on which the taxes and tax notice charges are delinquent;~~

~~—— (xii) the penalty imposed on delinquent taxes and tax notice charges;~~

~~—— (xiii) a statement that explains the taxpayer's right to direct allocation of a partial payment in accordance with Subsection (9);~~

~~—— (xiv) other information specifically authorized to be included on the notice under this chapter; and~~

~~—— (xv) other property tax information approved by the commission.~~

~~—— (3) (a) Unless expressly allowed under this section or another statutory provision, the treasurer may not add an amount to be collected to the property tax notice.~~

~~—— (b) If the county treasurer adds an amount to be collected to the property tax notice under this section or another statutory provision that expressly authorizes the item's inclusion on the property tax notice:~~

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- ~~—— (i) the amount constitutes a tax notice charge; and~~
- ~~—— (ii) (A) the tax notice charge has the same priority as property tax; and~~
- ~~—— (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with Section 59-2-1343.~~
- ~~—— (4) For any property for which property taxes or tax notice charges are delinquent, the notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent on this parcel."~~
- ~~—— (5) Except as provided in Subsection (6), the county treasurer shall:~~
  - ~~—— (a) mail the notice required by this section, postage prepaid; or~~
  - ~~—— (b) leave the notice required by this section at the taxpayer's residence or usual place of business, if known.~~
- ~~—— (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at the county treasurer's discretion, provide the notice required by this section by electronic mail if a taxpayer makes an election, according to procedures determined by the county treasurer, to receive the notice by electronic mail.~~
- ~~—— (b) A taxpayer may revoke an election to receive the notice required by this section by electronic mail if the taxpayer provides;~~ (5) (a) A county may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the county provides to the individual who is subject to the penalty ~~written notice~~ to the treasurer on or before October 1.
- ~~—— (c) A revocation of an election under this section does not relieve a taxpayer of the duty to pay a tax or tax notice charge due under this chapter on or before the due date for paying the tax or tax notice charge.~~
- ~~—— (d) A county treasurer shall provide the notice required by this section using a method described in Subsection (5), until a taxpayer makes a new election in accordance with this Subsection (6), if:~~
  - ~~—— (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the notice required by this section by electronic mail; or~~
  - ~~—— (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.~~
- ~~—— (e) A person is considered to be a taxpayer for purposes of this Subsection (6) regardless of whether the property that is the subject of the notice required by this section is~~

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exempt from taxation:

~~—— (7) (a) The county treasurer shall provide the notice required by this section to a taxpayer on or before November 1.~~

~~—— (b) The county treasurer shall keep on file in the county treasurer's office the information set forth in the notice.~~

~~—— (c) The county treasurer is not required to mail a tax receipt acknowledging payment.~~

~~—— (8) This section does not apply to property taxed under Section 59-2-1302 or 59-2-1307.~~

~~—— (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax notice may, on a form provided by the county treasurer, direct how the county treasurer allocates the partial payment between:~~

~~—— (i) the total amount due for property tax;~~

~~—— (ii) the amount due for assessments, past due local district fees, and other tax notice charges; and~~

~~—— (iii) any other amounts due on the property tax notice.~~

~~—— (b) The county treasurer shall comply with a direction submitted to the county treasurer in accordance with Subsection (9)(a):~~

~~—— (c) The provisions of this Subsection (9) do not:~~

~~—— (i) affect the right or ability of a local entity to pursue any available remedy for non-payment of any item listed on a taxpayer's property tax notice; or~~

~~—— (ii) toll or otherwise change any time period related to a remedy described in Subsection (9)(c)(i):~~

~~that:~~

~~(i) identifies the relevant regulation or ordinance at issue;~~

~~(ii) specifies the violation of the relevant regulation or ordinance; and~~

~~(iii) provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.~~

~~(b) A county may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance that is outstanding or pending on or after May 14, 2019, unless the county imposed the outstanding or pending penalty in relation to a written notice that:~~

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- (i) identified the relevant regulation or ordinance at issue;
- (ii) specified the violation of the relevant regulation or ordinance; and
- (iii) provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.