

**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 inspector to eradicate or remove and destroy weeds, garbage, refuse, or unsightly objects.

Highlighted Provisions:

This bill:

- ▶ provides that an owner or occupant may select a person, other than a municipal inspector, to provide an eradication or removal and destruction service; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. Section **10-11-3** is amended to read:

10-11-3. Neglect of property owners -- Removal by city -- Costs of removal --



28 **Owner selection of.**

29 (1) (a) If [~~any~~] an owner or occupant of lands described in the notice under Section
30 10-11-2 fails or neglects to eradicate, or destroy and remove, the weeds, garbage, refuse,
31 objects, or structure upon the premises in accordance with the notice, the municipal inspector
32 [~~shall~~] may, subject to Subsection (3):

33 (i) at the expense of the municipality, employ necessary assistance and cause the
34 weeds, garbage, refuse, objects, or structures to be removed [~~or~~] and destroyed; and

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

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

41 (2) (a) If the owner fails to make payment of the amount set forth in the statement
42 described in Subsection (1)(a)(ii) to the municipal treasurer within the required 30 days, the
43 inspector, on behalf of the municipality, may:

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

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

46 (b) If collection of the costs are pursued through the courts under Subsection (2)(a)(i),
47 the municipality may:

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

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

52 (c) If the inspector elects, under Subsection (2)(a)(ii), to refer the matter to the county
53 treasurer for inclusion in the tax notice of the property owner, the inspector shall:

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

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

59 (3) A municipal legislative body may not prohibit an owner or occupant who receives a
60 notice described in Section 10-11-2 from, in order to comply with the notice, selecting a
61 person, as defined in Section 10-1-104, other than the municipal inspector or any assistance
62 employed by the municipal inspector under Subsection (1)(a)(i) to provide an eradication or
63 destruction and removal service.

Legislative Review Note

as of 2-9-11 10:21 AM

Office of Legislative Research and General Counsel