

NUISANCE AND CODE ENFORCEMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to nuisance and code enforcement.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the process by which a municipality may designate, inspect, and abate nuisances and code violations;
- ▶ creates a process by which a county may designate, inspect, and abate nuisances and code violations;
- ▶ 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-1-203.5**, as last amended by Laws of Utah 2017, Chapter 136

31 **17-24-1**, as last amended by Laws of Utah 2017, Chapter 460

32 **59-2-1317**, as last amended by Laws of Utah 2018, Chapter 197

33 ENACTS:

34 **10-11-101**, Utah Code Annotated 1953

35 **10-11-102**, Utah Code Annotated 1953

36 **10-11-107**, Utah Code Annotated 1953

37 **10-11-108**, Utah Code Annotated 1953

38 **10-11-109**, Utah Code Annotated 1953

39 **17-50-601**, Utah Code Annotated 1953

40 **17-50-602**, Utah Code Annotated 1953

41 **17-50-603**, Utah Code Annotated 1953

42 **17-50-604**, Utah Code Annotated 1953

43 **17-50-605**, Utah Code Annotated 1953

44 **17-50-606**, Utah Code Annotated 1953

45 **17-50-607**, Utah Code Annotated 1953

46 **17-50-608**, Utah Code Annotated 1953

47 RENUMBERS AND AMENDS:

48 **10-11-103**, (Renumbered from 10-11-1, as last amended by Laws of Utah 2011,
49 Chapters 144, 172 and last amended by Coordination Clause, Laws of Utah 2011,
50 Chapter 144)

51 **10-11-104**, (Renumbered from 10-11-2, as repealed and reenacted by Laws of Utah
52 2011, Chapter 172)

53 **10-11-105**, (Renumbered from 10-11-3, as last amended by Laws of Utah 2011,
54 Chapter 172)

55 **10-11-106**, (Renumbered from 10-11-4, as last amended by Laws of Utah 2018,
56 Chapter 197)

57

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

59 Section 1. Section 10-1-203.5 is amended to read:

60 **10-1-203.5. Disproportionate rental fee -- Good landlord training program -- Fee**
61 **reduction.**

62 (1) As used in this section:

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

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

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

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

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

73 (ii) one unit occupied by the owner.

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

76 (i) completion of any live good landlord training program offered by any other Utah
77 city that offers a good landlord program;

78 (ii) that the residential landlord has a current professional designation of "property
79 manager"; or

80 (iii) compliance with a requirement described in Subsection (6).

81 (f) "Good landlord training program" means a program offered by a municipality to
82 encourage business practices that are designed to reduce the disproportionate cost of municipal
83 services to residential rental units by offering a disproportionate rental fee reduction for any
84 residential landlord who:

85 (i) (A) completes a landlord training program provided by the municipality; or

86 (B) is an exempt landlord;

87 (ii) implements measures to reduce crime in rental housing as specified in a municipal
88 ordinance or policy; and

89 (iii) operates and manages rental housing in accordance with an applicable municipal

90 ordinance.

91 (g) "Municipal services" means:

92 (i) public utilities;

93 (ii) police;

94 (iii) fire;

95 (iv) code enforcement;

96 (v) storm water runoff;

97 (vi) traffic control;

98 (vii) parking;

99 (viii) transportation;

100 (ix) beautification; or

101 (x) snow removal.

102 (h) "Municipal services study" means a study of the cost of all municipal services to
103 rental housing that:

104 (i) are reasonably attributable to the rental housing; and

105 (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.

106 (i) "Residential landlord" means:

107 (i) the owner of record of residential real property that is leased or rented to another; or

108 (ii) a third-party provider that has an agreement with the owner of record to manage the
109 owner's real property.

110 (2) The legislative body of a municipality may charge and collect a disproportionate
111 rental fee on a business that causes disproportionate costs to municipal services if the
112 municipality:

113 (a) has performed a municipal services study; and

114 (b) adopts a disproportionate rental fee that does not exceed the amount that is justified
115 by the municipal services study on a per residential rental unit basis.

116 (3) A municipality may not:

117 (a) impose a disproportionate rental fee on an exempt business;

118 (b) require a residential landlord to deny tenancy to an individual based on the
119 individual's criminal history unless a halfway house, as that term is defined in Section

120 [51-9-412](#), is located within the municipality;

121 (c) without cause and notice, require a residential landlord to submit to a random
122 building inspection;

123 (d) unless agreed to by a residential landlord and in compliance with state and federal
124 law, collect from a residential landlord or retain:

125 (i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15
126 U.S.C. Sec. 1681b as amended;

127 (ii) a tenant's criminal history record information in violation of Section 53-10-108; or

128 (iii) a copy of an agreement between the residential landlord and a tenant regarding the
129 tenant's term of occupancy, rent, or any other condition of occupancy;

130 (e) require that any documents required from the landlord be notarized; or

131 (f) prohibit a residential landlord from passing on to the tenant the license or
132 disproportionate fee.

133 (4) Nothing in this section shall limit:

134 (a) a municipality's right to audit and inspect an exempt residential landlord's records to
135 ensure compliance with a disproportionate rental fee reduction program; or

136 (b) the right of a municipality with a short-term or vacation rental ordinance to review
137 an owner's rental agreement to verify compliance with the municipality's ordinance.

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

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

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

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

150 (8) A property manager who represents an owner of property that qualifies for a
151 municipal disproportionate rental fee may not be restricted from simultaneously representing

152 another owner of property that does not qualify for a municipal disproportionate rental fee.

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

154 **CHAPTER 11. NUISANCES AND CODE VIOLATIONS**

155 **10-11-101. Title.**

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

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

158 **10-11-102. Definitions.**

159 As used in this chapter:

160 (1) "Abate" means to eradicate, destroy, replace, or repair a nuisance or code violation
161 that a municipal inspector cites in accordance with this chapter.

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

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

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

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

169 (b) garbage and refuse;

170 (c) a public nuisance; and

171 (d) an illegal object or structure.

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

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

175 (a) is responsible for real property which is the subject of a complaint or citation under
176 this chapter; and

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

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

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

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

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

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

186 ~~[10-11-1].~~ **10-11-103. Abatement of nuisances and code violations -- Selection**
187 **of service provider.**

188 (1) A municipal legislative body may:

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

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

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

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

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

194 (a) enact an ordinance that:

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

196 (ii) subject to Section [10-3-703](#), provides penalties for violations of the ordinance; and

197 (iii) creates an appeal process in accordance with Section [10-11-108](#); and

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

200 (2) A municipal legislative body may not:

201 (a) prohibit [~~an owner or occupant of real property~~] a property owner or responsible
202 party within the municipality's jurisdiction, including [an owner or occupant] a property owner
203 or responsible party who receives a [notice] citation in accordance with Section [~~10-11-2~~
204 [10-11-104](#), from selecting a person, as defined in Section [10-1-104](#), to provide an abatement
205 service for [injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal
206 object or structure] a nuisance or code violation; or

207 (b) require that [~~an owner or occupant~~] a property owner or responsible party described
208 in Subsection (2)(a) use the services of the municipal inspector or any assistance employed by
209 the municipal inspector described in Section [~~10-11-3~~] [10-11-105](#) to provide an abatement
210 service described in Subsection (2)(a).

211 (3) A municipality may require that [~~an owner or occupant~~] a property owner or
212 responsible party described in Subsection (2)(a) use the abatement services, as described in
213 Section [~~10-11-3~~] [10-11-105](#), of the municipal inspector or any assistance employed by the

214 municipal inspector if:

215 (a) the municipality adopts an ordinance providing a reasonable period of time for [an
216 owner or occupant] a property owner or responsible party to abate [~~the owner's or occupant's~~
217 ~~property~~] a nuisance or code violation after receiving a [~~notice~~] citation described in Section
218 [~~10-11-2~~] 10-11-104; and

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

222 Section 5. Section **10-11-104**, which is renumbered from Section 10-11-2 is
223 renumbered and amended to read:

224 [~~10-11-2~~]. **10-11-104. Inspection of property -- Citation.**

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

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

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

231 [~~(B) garbage and refuse;~~]

232 [~~(C) a public nuisance; or~~]

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

234 (A) a nuisance; and

235 (B) a code violation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 ~~[(iii) require the property owner, occupant, or, if applicable, another person responsible~~

276 for the property to:]

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

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

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

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

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

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

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

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

295 (3) (a) A municipal inspector may inspect a property only after receiving a complaint
296 about the property as described in Subsection (3)(b).

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

300 (ii) A person filing a complaint under Subsection (3)(b)(i) shall provide the
301 municipality with the person's name and address.

302 (c) A municipality or municipal inspector may not:

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

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

306 Section 6. Section **10-11-105**, which is renumbered from Section 10-11-3 is

307 renumbered and amended to read:

308 ~~[10-11-3].~~ **10-11-105. Neglect of property owners -- Removal by municipality**
 309 **-- Costs of removal -- Notice -- File action or lien -- Property owner objection.**

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

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

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

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

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

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

325 ~~[(i) include:]~~

326 (i) includes:

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

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

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

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

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

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

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

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

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

344 (ii) If a municipality files a notice of a lien indicating that the municipality intends to
345 certify the unpaid costs and expenses in accordance with Subsection (2)(a)(ii) and Section
346 [~~10-11-4~~] [10-11-106](#), the municipality shall file for record in the county recorder's office a
347 release of the lien after all amounts owing are paid.

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

351 (i) file an action in district court; or

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

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

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

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

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

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

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

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

366 (c) The property owner shall pay any actual cost due after a decision by the
367 municipality at the hearing described in Subsection (3)(a)(i) to the municipal treasurer within
368 30 days after the day on which the hearing is held.

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

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

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

375 (5) This section does not affect or limit:

376 (a) a municipal governing body's power to pass an ordinance as described in Section
377 [10-3-702](#); or

378 (b) a criminal or civil penalty imposed by a municipality in accordance with Section
379 [10-3-703](#).

380 Section 7. Section **10-11-106**, which is renumbered from Section 10-11-4 is
381 renumbered and amended to read:

382 [~~10-11-4~~]. **10-11-106. Costs of removal to be included in tax notice.**

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

386 (2) If the municipality certifies with the treasurer of the county any costs or expenses
387 incurred for a property under Section [~~10-11-3~~] [10-11-105](#), the treasurer shall enter the amount
388 of the costs and expenses on the assessment and tax rolls of the county in the column prepared
389 for that purpose.

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

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

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

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

399 (b) (i) Notwithstanding Subsection (7), the municipality may pursue judicial

400 foreclosure to enforce the lien rather than relying on a tax sale.

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

402 (A) the municipality shall record the lien in the office of the recorder of the county in
403 which the liened property is located; and

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

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

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

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

411 (c) the treasurer shall acknowledge receipt upon the general tax receipt that the treasurer
412 issues.

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

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

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

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

423 (iii) notify the property owner that:

424 (A) unless the municipality completes a judicial foreclosure under Subsection (4)(b), if
425 the amount described in Subsection (6)(b)(i) is not paid in full by September 15 of the current
426 year, any unpaid amount will be included on the property tax notice required by Section
427 [59-2-1317](#); and

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

430 (c) The treasurer of the county shall provide the notice required by this Subsection (6)

431 to a property owner on or before August 1.

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

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

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

441 Section 8. Section **10-11-107** is enacted to read:

442 **10-11-107. Penalties incurred before May 14, 2019.**

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

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

447 (2) the citation:

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

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

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

453 Section 9. Section **10-11-108** is enacted to read:

454 **10-11-108. Appeal of a citation.**

455 (1) Each municipality adopting an ordinance under this chapter shall, in the ordinance,
456 establish an appeal authority to hear and decide appeals from a citation enforcing the
457 ordinance.

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

461 (3) An appeal authority shall serve as the final arbiter of issues involving the

462 interpretation or application of an ordinance under this chapter.

463 Section 10. Section **10-11-109** is enacted to read:

464 **10-11-109. Effect of chapter.**

465 Nothing in this chapter affects a municipal legislative body's ability to enforce a penalty
466 under Section [10-9a-803](#).

467 Section 11. Section **17-24-1** is amended to read:

468 **17-24-1. General duties of treasurer.**

469 The county treasurer shall:

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

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

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

476 (4) disburse county money:

477 (a) on a county warrant issued by the county auditor; or

478 (b) subject to Section [17-19a-301](#), by a county check or such other payment mechanism
479 as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;

480 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
481 Collection of Taxes;

482 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
483 been reassigned to the treasurer in an ordinance adopted under Section [17-16-5.5](#);

484 (7) provide the notice required under Section [~~10-11-4~~] [10-11-106](#), [17-50-605](#), or
485 [17B-1-902](#); and

486 (8) perform other duties that are required by law or ordinance.

487 Section 12. Section **17-50-601** is enacted to read:

488 **Part 6. Nuisances and Code Violations**

489 **17-50-601. Definitions.**

490 As used in this part:

491 (1) "Abate" means to eradicate, destroy, replace, or repair a nuisance or code violation
492 that a county inspector cites in accordance with this part.

493 (2) "Code violation" means any violation of a code or ordinance a county enforces.

494 (3) "County inspector" means an individual who a county legislative body appoints for
495 the purpose of carrying out the provisions of this part.

496 (4) "Nuisance" means an item identified in a county ordinance adopted under

497 Subsection 17-50-602(1), including:

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

499 (b) garbage and refuse;

500 (c) a public nuisance; or

501 (d) an illegal object or structure.

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

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

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

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

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

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

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

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

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

515 **17-50-602. County inspection authorized.**

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

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

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

520 (ii) establishes an appeal process in accordance with Section [17-50-607](#);

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

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

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

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

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

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

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

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

541 Section 14. Section **17-50-603** is enacted to read:

542 **17-50-603. Inspection of property -- Citation.**

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

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

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

550 (c) A county or county inspector may not:

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

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

554 (2) If a nuisance or code violation is found to exist after inspection, a county inspector

555 shall issue the property owner or responsible party a written citation in accordance with this
556 section.

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

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

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

563 (a) identifies the property owner;

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

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

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

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

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

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

574 (iii) the property owner or responsible party may appeal the citation in accordance with
575 Section [17-50-607](#).

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

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

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

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

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

585 Section 15. Section **17-50-604** is enacted to read:

586 **17-50-604. Neglect of property owners -- Abatement by county -- Costs of**
587 **abatement -- Notice -- File action or lien -- Property owner objection.**

588 (1) (a) If a property owner or responsible party who receives a citation under Section
589 17-50-603 fails to abate the nuisance or code violation in accordance with the citation, a county
590 inspector may:

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

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

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

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

597 (i) includes:

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

599 (B) an itemized list of and demand for payment for all expenses, including

600 administrative expenses, incurred by the county under Subsection (1)(a)(i); and

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

602 and

603 (ii) notifies the property owner:

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

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

608 (C) where the owner may file the objection, including the county office and address.

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

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

615 (ii) If a county files a notice of a lien indicating that the county intends to certify the
616 unpaid costs and expenses in accordance with Subsection (2)(a)(ii) and Section 17-50-605, the

617 county shall file for record in the county recorder's office a release of the lien after all amounts
618 owing are paid.

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

622 (i) file an action in district court; or

623 (ii) certify the past due costs and expenses to the county treasurer of the county in
624 which the property is located in accordance with Section [17-50-605](#).

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

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

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

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

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

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

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

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

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

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

644 (b) certify the past due costs and expenses to the county treasurer of the county in
645 which the property is located in accordance with Section [17-50-605](#).

646 (5) This section does not affect or limit a county legislative body's power, as described
647 in Section [17-53-223](#):

648 (a) to pass an ordinance; or

649 (b) to impose a criminal or civil penalty.

650 Section 16. Section **17-50-605** is enacted to read:

651 **17-50-605. Costs of abatement to be included in tax notice.**

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

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

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

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

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

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

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

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

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

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

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

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

678 (b) the county shall record a release of the lien in the office of the recorder of the

679 county in which the liened property is located; and

680 (c) the treasurer shall acknowledge receipt upon the general tax receipt that the
681 treasurer issues.

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

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

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

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

692 (iii) notify the property owner that:

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

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

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

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

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

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

710 Section 17. Section **17-50-606** is enacted to read:

711 **17-50-606. Penalties incurred before May 14, 2019.**

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

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

716 (2) the citation:

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

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

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

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

723 **17-50-607. Appeal of a citation.**

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

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

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

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

732 **17-50-608. Effect of part.**

733 Nothing in this part affects a county legislative body's ability to enforce a penalty under
734 Section [17-27a-803](#).

735 Section 20. Section **59-2-1317** is amended to read:

736 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
737 **providing notice.**

738 (1) As used in this section, "political subdivision lien" means the same as that term is
739 defined in Section [11-60-102](#).

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

- 741 (a) collect the taxes and tax notice charges; and
- 742 (b) provide a notice to each taxpayer that contains the following:
- 743 (i) the kind and value of property assessed to the taxpayer;
- 744 (ii) the street address of the property, if available to the county;
- 745 (iii) that the property may be subject to a detailed review in the next year under Section
- 746 [59-2-303.1](#);
- 747 (iv) the amount of taxes levied;
- 748 (v) a separate statement of the taxes levied only on a certain kind or class of property
- 749 for a special purpose;
- 750 (vi) property tax information pertaining to taxpayer relief, options for payment of
- 751 taxes, and collection procedures;
- 752 (vii) any tax notice charges applicable to the property, including:
- 753 (A) if applicable, a political subdivision lien for road damage that a railroad company
- 754 causes, as described in Section [10-7-30](#);
- 755 (B) if applicable, a political subdivision lien for municipal water distribution, as
- 756 described in Section [10-8-17](#), or a political subdivision lien for an increase in supply from a
- 757 municipal water distribution, as described in Section [10-8-19](#);
- 758 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
- 759 Section [~~10-11-4~~] [10-11-106](#) or [17-50-605](#);
- 760 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
- 761 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
- 762 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and
- 763 interest as of the date the local entity certifies the unpaid amount to the county treasurer;
- 764 (E) if applicable, for a local district in accordance with Section [17B-1-902](#), a political
- 765 subdivision lien for an unpaid fee, administrative cost, or interest;
- 766 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
- 767 as described in Section [17B-2a-506](#); and
- 768 (G) if applicable, a political subdivision lien for a contract assessment under a water
- 769 contract, as described in Section [17B-2a-1007](#);
- 770 (viii) a statement that, due to potentially ongoing charges, costs, penalties, and interest,
- 771 payment of a tax notice charge may not:

772 (A) pay off the full amount the property owner owes to the tax notice entity; or
773 (B) cause a release of the lien underlying the tax notice charge;
774 (ix) the date the taxes and tax notice charges are due;
775 (x) the street address at which the taxes and tax notice charges may be paid;
776 (xi) the date on which the taxes and tax notice charges are delinquent;
777 (xii) the penalty imposed on delinquent taxes and tax notice charges;
778 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
779 payment in accordance with Subsection (9);
780 (xiv) other information specifically authorized to be included on the notice under this
781 chapter; and
782 (xv) other property tax information approved by the commission.
783 (3) (a) Unless expressly allowed under this section or another statutory provision, the
784 treasurer may not add an amount to be collected to the property tax notice.
785 (b) If the county treasurer adds an amount to be collected to the property tax notice
786 under this section or another statutory provision that expressly authorizes the item's inclusion
787 on the property tax notice:
788 (i) the amount constitutes a tax notice charge; and
789 (ii) (A) the tax notice charge has the same priority as property tax; and
790 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
791 Section [59-2-1343](#).
792 (4) For any property for which property taxes or tax notice charges are delinquent, the
793 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
794 on this parcel."
795 (5) Except as provided in Subsection (6), the county treasurer shall:
796 (a) mail the notice required by this section, postage prepaid; or
797 (b) leave the notice required by this section at the taxpayer's residence or usual place of
798 business, if known.
799 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at
800 the county treasurer's discretion, provide the notice required by this section by electronic mail if
801 a taxpayer makes an election, according to procedures determined by the county treasurer, to
802 receive the notice by electronic mail.

803 (b) A taxpayer may revoke an election to receive the notice required by this section by
804 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

805 (c) A revocation of an election under this section does not relieve a taxpayer of the
806 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
807 paying the tax or tax notice charge.

808 (d) A county treasurer shall provide the notice required by this section using a method
809 described in Subsection (5), until a taxpayer makes a new election in accordance with this
810 Subsection (6), if:

811 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
812 notice required by this section by electronic mail; or

813 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

814 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
815 regardless of whether the property that is the subject of the notice required by this section is
816 exempt from taxation.

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

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

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

822 (8) This section does not apply to property taxed under Section 59-2-1302 or
823 59-2-1307.

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

827 (i) the total amount due for property tax;

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

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

831 (b) The county treasurer shall comply with a direction submitted to the county treasurer
832 in accordance with Subsection (9)(a).

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

834 (i) affect the right or ability of a local entity to pursue any available remedy for
835 non-payment of any item listed on a taxpayer's property tax notice; or
836 (ii) toll or otherwise change any time period related to a remedy described in
837 Subsection (9)(c)(i).