

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2064

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 11-268, Arizona Revised Statutes, is amended to read:

11-268. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; violation; classification; removal by county; costs assessed; collection; priority of lien; definition

A. The board of supervisors, by ordinance, shall compel the owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such ordinance shall require and include:

1. Reasonable written notice to the owner, any lienholder, ~~THE~~ occupant or ~~THE~~ lessee. The notice shall be given not less than thirty days before the day set for compliance and shall include the estimated cost to the county for the removal if the owner, occupant or lessee does not comply. The notice shall be either personally served or mailed by certified mail to the owner, occupant or lessee at his last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

2. Provisions for appeal to the board of supervisors on both the notice and the assessments.

3. That any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a class 1 misdemeanor and, in

1 addition to any fine which may be imposed for a violation of ~~any provision of~~
2 this section, is liable for all costs which may be assessed pursuant to this
3 section for the removal of the rubbish, trash, filth or debris.

4 B. The ordinance may provide that if any person with an interest in
5 the property, including an owner, lienholder, lessee or occupant of the
6 buildings, grounds or lots, after notice as required by subsection A,
7 paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or
8 dilapidated buildings and abate the condition which constitutes a hazard to
9 public health and safety, the county may, at the expense of the owner, lessee
10 or occupant, remove, abate, enjoin or cause the removal of the rubbish,
11 trash, weeds, filth, debris or dilapidated buildings.

12 C. The board of supervisors may prescribe by the ordinance a procedure
13 for such removal or abatement and for making the actual cost of such removal
14 or abatement, including the actual costs of any additional inspection and
15 other incidental costs in connection with the removal or abatement, an
16 assessment upon the lots and tracts of land from which the rubbish, trash,
17 weeds, filth, debris or dilapidated buildings are removed.

18 D. The ordinance may provide that the cost of removal, abatement or
19 injunction of the rubbish, trash, weeds, filth, debris or dilapidated
20 buildings from any lot or tract of land located in the unincorporated areas
21 of the county and associated legal costs be assessed in the manner and form
22 prescribed by ordinance of the county upon the property from which the
23 rubbish, trash, weeds, filth, debris or dilapidated buildings are removed,
24 abated or enjoined. The county shall record the assessment in the county
25 recorder's office in the county in which the property is located, including
26 the date and amount of the assessment and the legal description of the
27 property. Any assessment recorded after ~~the effective date of this amendment~~
28 ~~to this section~~ AUGUST 6, 1999 is prior and superior to all other liens,
29 obligations or other encumbrances, except liens for general taxes and prior
30 recorded mortgages. A sale of the property to satisfy an assessment obtained
31 under this section shall be made on judgment of foreclosure and order of
32 sale. The county may bring an action to enforce the lien in the superior

1 court in the county in which the property is located at any time after the
2 recording of the assessment, but failure to enforce the lien by such action
3 does not affect its validity. The recorded assessment is prima facie
4 evidence of the truth of all matters recited in the assessment and of the
5 regularity of all proceedings before the recording of the assessment.

6 E. Assessments that are imposed under subsection D run against the
7 property until they are paid and are due and payable in equal annual
8 installments as follows:

9 1. Assessments of less than five hundred dollars shall be paid within
10 one year after the assessment is recorded.

11 2. Assessments of five hundred dollars or more but less than one
12 thousand dollars shall be paid within two years after the assessment is
13 recorded.

14 3. Assessments of one thousand dollars or more but less than five
15 thousand dollars shall be paid within three years after the assessment is
16 recorded.

17 4. Assessments of five thousand dollars or more but less than ten
18 thousand dollars shall be paid within six years after the assessment is
19 recorded.

20 5. Assessments of ten thousand dollars or more shall be paid within
21 ten years after the assessment is recorded.

22 F. A prior assessment for the purposes provided in this section is not
23 a bar to a subsequent assessment or assessments for such purposes, and any
24 number of liens on the same lot or tract of land may be enforced in the same
25 action.

26 G. Before the removal of a dilapidated building the board of
27 supervisors shall consult with the state historic preservation officer to
28 determine if the building is of historical value.

29 H. If a county removes a dilapidated building pursuant to this
30 section, the county assessor shall adjust the valuation of the property on
31 the property assessment tax rolls from the date of removal.

1 I. ~~As used in~~ FOR THE PURPOSES OF this section, occupant does not
2 include any corporation or association operating or maintaining rights-of-way
3 for and on behalf of the United States government, either under contract or
4 under federal law.

5 J. ~~As used in~~ FOR THE PURPOSES OF this section, "dilapidated building"
6 means any real property structure that is ~~in such disrepair or is damaged to~~
7 ~~the extent that its strength or stability is substantially less than a new~~
8 ~~building or it is~~ likely to burn or collapse and its condition endangers the
9 life, health, safety or property of the public."

10 Amend title to conform

JUDY M. BURGESS

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2/10/11

3:41 PM

H:jmb