

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 82
SENATE BILL 1466

AN ACT

AMENDING SECTION 9-499, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-499, Arizona Revised Statutes, is amended to
3 read:

4 9-499. Removal of rubbish, trash, weeds, filth, debris and
5 dilapidated buildings; violation; classification;
6 removal by city; costs assessed; collection; priority
7 of assessment; definitions

8 A. The governing body of a city or town, by ordinance, shall compel
9 the owner, lessee or occupant of property to remove rubbish, trash, weeds or
10 other accumulation of filth, debris or dilapidated ~~structures which~~ BUILDINGS
11 THAT constitute a hazard to public health and safety from ~~buildings,~~ grounds,
12 lots, contiguous sidewalks, streets and alleys. An ordinance shall require:

13 1. Written notice to the owner, the owner's authorized agent or the
14 owner's statutory agent and to the occupant or lessee. The notice shall be
15 served either by personal service or by certified mail. If notice is served
16 by certified mail, the notice shall be mailed to the last known address of
17 the owner, the owner's authorized agent or the owner's statutory agent and to
18 the address to which the tax bill for the property was last mailed. The
19 notice shall be given not less than thirty days before the day set for
20 compliance and shall include the legal description of the property and the
21 cost of such removal to the city or town if the owner, occupant or lessee
22 does not comply. The owner shall be given not less than thirty days to
23 comply. The city or town may record the notice in the county recorder's
24 office in the county in which the property is located. If the notice is
25 recorded and compliance with the notice is subsequently satisfied, the city
26 or town shall record a release of the notice.

27 2. Provisions for appeal to and a hearing by the governing body of the
28 city or town or a board of citizens that is appointed by the governing body
29 on both the notice and the assessments, unless the removal or abatement is
30 ordered by a court.

31 3. That any person, firm or corporation that places any rubbish,
32 trash, filth or debris ~~upon~~ ON any private or public property not owned or
33 under the control of that person, firm or corporation is guilty of a class 1
34 misdemeanor or a civil violation and, in addition to any fine or penalty
35 ~~which THAT~~ may be imposed for a violation ~~of any provision~~ of this section,
36 is liable for all costs ~~which THAT~~ may be assessed pursuant to this section
37 for removing, abating or enjoining the rubbish, trash, filth or debris.

38 B. The ordinance may provide that if any person with an interest in
39 the property, including an owner, lienholder, lessee or occupant, after
40 notice as required by subsection A, paragraph 1 of this section does not
41 remove such rubbish, trash, weeds, filth, debris or dilapidated ~~structures~~
42 BUILDINGS and abate the condition ~~which THAT~~ constitutes a hazard to public
43 health and safety, the city or town may remove, abate, enjoin or cause their
44 removal.

45 C. The governing body of the city or town may prescribe by ordinance a
46 procedure for the removal or abatement, and for making the actual cost of the

1 removal or abatement, including the actual costs of any additional inspection
2 and other incidental connected costs, an assessment ~~upon~~ ON the property from
3 which the rubbish, trash, weeds or other accumulations are removed or abated.

4 D. The ordinance may provide that the cost of removal, abatement or
5 injunction of such rubbish, trash, weeds, filth, debris or dilapidated
6 ~~structures~~ BUILDINGS from any lot or tract of land, and associated legal
7 costs for abatement or injunctions, shall be assessed on the property from
8 which the rubbish, trash, weeds, accumulations or dilapidated ~~structures~~
9 BUILDINGS are removed, abated or enjoined. The city or town may record the
10 assessment in the county recorder's office in the county in which the
11 property is located, including the date and amount of the assessment, the
12 legal description of the property and the name of the city or town imposing
13 the assessment. Any assessment recorded after July 15, 1996 is prior and
14 superior to all other liens, obligations, mortgages or other encumbrances,
15 except liens for general taxes. A sale of the property to satisfy an
16 assessment obtained under ~~the provisions of~~ this section shall be made ~~upon~~
17 ON judgment of foreclosure and order of sale. A city or town shall have the
18 right to bring an action to enforce the assessment in the superior court in
19 the county in which the property is located at any time after the recording
20 of the assessment, but failure to enforce the assessment by such action shall
21 not affect its validity. The recorded assessment ~~shall be~~ IS prima facie
22 evidence of the truth of all matters recited in the assessment and of the
23 regularity of all proceedings prior to the recording of the assessment.

24 E. Assessments that are imposed under subsection D of this section run
25 against the property until paid and are due and payable in equal annual
26 installments as follows:

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

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

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

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

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

40 F. An assessment that is past due accrues interest at the rate
41 prescribed by section 44-1201.

42 G. A prior assessment for the purposes provided in this section shall
43 not be a bar to a subsequent assessment or assessments for these purposes,
44 and any number of assessments on the same lot or tract of land may be
45 enforced in the same action.

1 H. This section applies to all cities and towns organized and
2 operating under the general law of this state, and cities and towns organized
3 and operating under a special act or charter.

4 I. For THE purposes of this section:

5 1. "DILAPIDATED BUILDING" MEANS ANY REAL PROPERTY STRUCTURE THAT IS
6 LIKELY TO BURN OR COLLAPSE AND ITS CONDITION ENDANGERS THE LIFE, HEALTH,
7 SAFETY OR PROPERTY OF THE PUBLIC.

8 ~~1.~~ 2. "Property" includes buildings, grounds, lots and tracts of
9 land.

10 ~~2. "Structures" includes buildings, improvements and other structures~~
11 ~~that are constructed or placed on land.~~

APPROVED BY THE GOVERNOR APRIL 10, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2013.