

REFERENCE TITLE: junk vehicles; removal; counties

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2316

Introduced by
Representatives Campbell: Stringer

AN ACT

AMENDING SECTION 11-268, ARIZONA REVISED STATUTES; RELATING TO BOARDS OF SUPERVISORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 11-268. Removal of rubbish, trash, junk vehicles, weeds,
5 filth, debris and dilapidated buildings; violation;
6 classification; removal by county; costs assessed;
7 collection; priority of lien; definitions

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

15 1. Reasonable written notice to the owner, any lienholder, the
16 occupant or the lessee. The notice shall be given at least thirty days
17 before the day set for compliance and shall include the estimated cost to
18 the county for the removal if the owner, occupant or lessee does not
19 comply. The notice shall be either personally served or mailed by
20 certified mail to the owner, occupant or lessee at ~~his~~ **THE OWNER'S,**
21 **OCCUPANT'S OR LESSEE'S** last known address, or the address to which the tax
22 bill for the property was last mailed. If the owner does not reside on
23 the property, a duplicate notice shall also be sent to the owner at the
24 owner's last known address.

25 2. Provisions for appeal on both the notice and the assessments.

26 3. That any person, firm or corporation that recklessly places any
27 rubbish, trash, **JUNK VEHICLES**, filth or debris on any private or public
28 property located in the unincorporated areas of the county not owned or
29 under the control of the person, firm or corporation:

30 (a) Is guilty of a class 1 misdemeanor unless that person, firm or
31 corporation immediately removes or causes to be removed the rubbish,
32 trash, **JUNK VEHICLES**, filth or debris from that property. One hundred ~~per~~
33 ~~cent~~ **PERCENT** of any assessed fine shall be deposited in the general fund
34 of the county in which the fine was assessed. At least fifty ~~per~~
35 ~~cent~~ **PERCENT** of the fine shall be used by the county for the purposes of
36 illegal dumping cleanup.

37 (b) In addition to the fine that is imposed for a violation of this
38 section, is liable for all costs that may be assessed pursuant to this
39 section for the removal of the rubbish, trash, **JUNK VEHICLES**, filth or
40 debris.

41 B. The ordinance may provide that if any person with an interest in
42 the property, including an owner, lienholder, lessee or occupant of the
43 buildings, grounds or lots, after notice as required by subsection A,
44 paragraph 1 **OF THIS SECTION**, does not remove the rubbish, trash, **JUNK**
45 **VEHICLES**, weeds, filth, debris or dilapidated buildings and abate the

1 condition that constitutes a hazard to public health and safety, the
2 county, at the expense of the owner, lessee or occupant, may remove,
3 abate, enjoin or cause the removal of the rubbish, trash, JUNK VEHICLES,
4 weeds, filth, debris or dilapidated buildings.

5 C. The board of supervisors may prescribe by ~~the~~ ordinance a
6 procedure for such removal or abatement and for making the actual cost of
7 the removal or abatement, including the actual costs of any additional
8 inspection and other incidental costs in connection with the removal or
9 abatement, an assessment on the lots and tracts of land from which the
10 rubbish, trash, JUNK VEHICLES, weeds, filth, debris or dilapidated
11 buildings are removed.

12 D. THE BOARD OF SUPERVISORS MAY PRESCRIBE BY ORDINANCE A PROCEDURE
13 FOR REMOVING AND DISPOSING OF JUNK VEHICLES FROM A PROPERTY WHERE
14 ABATEMENT OF A DILAPIDATED BUILDING IS OCCURRING. THE DEPARTMENT OF
15 TRANSPORTATION SHALL DETERMINE WHETHER THE VEHICLE IS A JUNK VEHICLE AS
16 DEFINED IN THIS SECTION. IF THE VEHICLE IS NOT A JUNK VEHICLE, THE COUNTY
17 MAY RELOCATE THE VEHICLE TO A SECURE LOCATION DURING THE TIME OF ACTUAL
18 ABATEMENT AND RETURN THE VEHICLE TO THE PROPERTY ONCE THE ABATEMENT IS
19 COMPLETE. ALL COSTS ASSOCIATED WITH REMOVING, STORING AND RETURNING THE
20 VEHICLE TO THE PROPERTY SHALL BE INCLUDED AS PART OF THE ASSESSMENT FOR
21 THE ABATEMENT OF THE PROPERTY. RETURNING A VEHICLE TO THE PROPERTY AFTER
22 ABATEMENT DOES NOT WAIVE OR PROVIDE RELIEF FOR ANY VIOLATION RELATED TO
23 THE VEHICLE BEING ON THE PROPERTY.

24 ~~D.~~ E. The ordinance may provide that the cost of removal,
25 abatement or injunction of the rubbish, trash, JUNK VEHICLES, weeds,
26 filth, debris or dilapidated buildings from any lot or tract of land
27 located in the unincorporated areas of the county and associated legal
28 costs be assessed in the manner and form prescribed by ordinance of the
29 county on the property from which the rubbish, trash, JUNK VEHICLES,
30 weeds, filth, debris or dilapidated buildings are removed, abated or
31 enjoined. The county shall record the assessment in the county recorder's
32 office in the county in which the property is located, including the date
33 and amount of the assessment and the legal description of the property.
34 Any assessment recorded after August 6, 1999 is prior and superior to all
35 other liens, obligations or other encumbrances, except liens for general
36 taxes and prior recorded mortgages. A sale of the property to satisfy an
37 assessment obtained under this section shall be made on judgment of
38 foreclosure and order of sale. The county may bring an action to enforce
39 the lien in the superior court in the county in which the property is
40 located at any time after the recording of the assessment, but failure to
41 enforce the lien by such action does not affect its validity. The
42 recorded assessment is prima facie evidence of the truth of all matters
43 recited in the assessment and of the regularity of all proceedings before
44 the recording of the assessment. The assessment provided for in this
45 subsection shall not be levied against state or federal property.

1 ~~E.~~ F. Assessments that are imposed under subsection ~~D~~ E of this
2 section run against the property until they are paid and are due and
3 payable in equal annual installments as follows:

4 1. Assessments of less than ~~five hundred dollars~~ \$500 shall be paid
5 within one year after the assessment is recorded.

6 2. Assessments of ~~five hundred dollars~~ \$500 or more but less than
7 ~~one thousand dollars~~ \$1,000 shall be paid within two years after the
8 assessment is recorded.

9 3. Assessments of ~~one thousand dollars~~ \$1,000 or more but less than
10 ~~five thousand dollars~~ \$5,000 shall be paid within three years after the
11 assessment is recorded.

12 4. Assessments of ~~five thousand dollars~~ \$5,000 or more but less
13 than ~~ten thousand dollars~~ \$10,000 shall be paid within six years after the
14 assessment is recorded.

15 5. Assessments of ~~ten thousand dollars~~ \$10,000 or more shall be
16 paid within ten years after the assessment is recorded.

17 ~~F.~~ G. A prior assessment for the purposes provided in this section
18 is not a bar to a subsequent assessment or assessments for such purposes,
19 and any number of liens on the same lot or tract of land may be enforced
20 in the same action.

21 ~~G.~~ H. Before the removal of a dilapidated building the board of
22 supervisors shall consult with the state historic preservation officer to
23 determine if the building is of historical value.

24 ~~H.~~ I. If a county removes a dilapidated building pursuant to this
25 section, the county assessor shall adjust the valuation of the property on
26 the property assessment tax rolls from the date of removal.

27 ~~I.~~ J. If a person, firm or corporation is required to remove any
28 rubbish, trash, JUNK VEHICLE, filth or debris pursuant to subsection A,
29 paragraph 3 OF THIS SECTION, the person, firm or corporation shall provide
30 the county with a receipt from a disposal facility to indicate that the
31 rubbish, trash, JUNK VEHICLE, filth or debris has been disposed of as
32 required by law.

33 ~~J.~~ K. For the purposes of this section:

34 1. "Dilapidated building" means any real property structure that is
35 likely to burn or collapse ~~and its~~ OR THE condition OF THE REAL PROPERTY
36 STRUCTURE IS A PUBLIC NUISANCE OR endangers the life, health, safety or
37 property of the public.

38 2. "JUNK VEHICLE" HAS THE SAME MEANING PRESCRIBED IN SECTION
39 28-4881.

40 ~~K.~~ 3. Occupant does not include any corporation or association
41 operating or maintaining rights-of-way for and on behalf of the United
42 States government, either under contract or under federal law.

43 ~~L.~~ 4. Owner does not include a state or federal landowner.

44 5. "PUBLIC NUISANCE" MEANS A CONDITION DESCRIBED IN SECTION 36-601,
45 SUBSECTION A, PARAGRAPH 12.