

FILED

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

**Jane Dee Hull
Secretary of State**

CHAPTER 160

SENATE BILL 1195

AN ACT

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

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 structures; removal by city; costs
6 assessed; collection; priority of assessment;
7 definitions

8 A. THE GOVERNING BODY OF a city or town ~~council~~ may, by ordinance,
9 compel the owner, lessee, or occupant of ~~buildings, grounds, or lots~~
10 PROPERTY to remove rubbish, trash, weeds, or other accumulation of filth,
11 ~~or~~ debris OR DILAPIDATED STRUCTURES which ~~shall~~ constitute a hazard to public
12 health and safety from buildings, grounds, lots, contiguous sidewalks,
13 streets and alleys. ~~Any such~~ AN ordinance shall require:

14 1. Reasonable written notice to the owner, AND TO THE occupant or
15 lessee. ~~Such reasonable~~ THE notice shall be given not less than thirty days
16 before the day set for compliance, and shall include THE LEGAL DESCRIPTION
17 OF THE PROPERTY AND the cost of such removal TO THE CITY OR TOWN IF THE
18 OWNER, OCCUPANT OR LESSEE DOES NOT COMPLY. The notice shall be either
19 personally served or mailed to the owner, AND TO THE OCCUPANT or lessee, at
20 his last known address by certified ~~or registered~~ mail, or the address to
21 which the tax bill for the property was last mailed. If the owner does not

1 reside on such property, ~~a duplicate~~ THE notice shall also be sent to him at
2 his last known address. THE CITY OR TOWN MAY RECORD THE NOTICE IN THE COUNTY
3 RECORDER'S OFFICE IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED. IF THE
4 NOTICE IS RECORDED AND COMPLIANCE WITH THE NOTICE IS SUBSEQUENTLY SATISFIED,
5 THE CITY OR TOWN SHALL RECORD A RELEASE OF THE NOTICE.

6 2. Provisions for appeal to the GOVERNING BODY OF THE city or town
7 ~~council~~ OR A BOARD OF CITIZENS THAT IS APPOINTED BY THE GOVERNING BODY on
8 both the notice and the assessments, UNLESS THE REMOVAL OR ABATEMENT IS
9 ORDERED BY A COURT.

10 3. That any person, firm or corporation ~~who shall place~~ THAT PLACES
11 any rubbish, trash, filth or debris upon any private or public property not
12 owned or under the control of ~~said~~ THAT person, firm or corporation ~~shall be~~
13 IS guilty of a CLASS 1 misdemeanor OR A CIVIL VIOLATION and, in addition to
14 any fine OR PENALTY which may be imposed for a violation of any provision of
15 this section, ~~shall be~~ IS liable for all costs which may be assessed pursuant
16 to this section for ~~the removal of said~~ REMOVING, ABATING OR ENJOINING THE
17 rubbish, trash, filth or debris.

18 B. ~~Such~~ THE ordinance may provide that if ~~the owner, lessee or~~
19 ~~occupant of such buildings, grounds or lots~~ ANY PERSON WITH AN INTEREST IN
20 THE PROPERTY, INCLUDING AN OWNER, LIENHOLDER, LESSEE OR OCCUPANT, after
21 notice as required by ordinance, ~~which notice shall not be less than thirty~~
22 ~~days,~~ SUBSECTION A, PARAGRAPH 1 does not remove such rubbish, trash, weeds,
23 ~~or other accumulation of filth, or debris OR DILAPIDATED STRUCTURES~~ and abate
24 ~~such~~ THE condition which constitutes a hazard to public health and safety,
25 the city or town may, ~~at the expense of such owner, lessee or occupant,~~
26 remove, ABATE, ENJOIN or cause ~~the~~ THEIR removal thereof.

27 C. The GOVERNING BODY OF THE city or town ~~council~~ may prescribe by the
28 ordinance a procedure for ~~such~~ THE removal of ~~such~~ OR abatement, and for
29 making the actual cost of ~~such~~ THE removal or abatement, including five per
30 cent for additional inspection and other incidental CONNECTED costs ~~in~~
31 ~~connection therewith,~~ an assessment upon the ~~lots, and tracts of land~~
32 PROPERTY from which ~~such~~ THE rubbish, trash, weeds or other accumulations are
33 removed OR ABATED.

34 D. The ordinance may provide that the cost of removal, ABATEMENT OR
35 INJUNCTION of such rubbish, trash, weeds, filth, ~~or~~ debris OR DILAPIDATED
36 STRUCTURES from any lot, ~~or tract of land,~~ AND ASSOCIATED LEGAL COSTS FOR
37 ABATEMENT OR INJUNCTIONS, shall be assessed ~~in the manner and form prescribed~~
38 ~~by ordinance of such city or town upon the lot or tract of land from which~~
39 ~~such rubbish, trash, weeds, or other accumulations are removed. Such~~
40 ~~assessment, from the date of its recording in the office of the county~~
41 ~~recorder in which county the lot or tract of land is located, shall be a lien~~
42 ~~on said lot or tract of land, and the several amounts assessed against such~~
43 ~~lot or tract of land, until paid. Such liens shall be subject and inferior~~
44 ~~to the lien for general taxes and to all prior recorded mortgages and~~

1 ~~encumbrances of record.~~ ON THE PROPERTY FROM WHICH THE RUBBISH, TRASH, WEEDS,
2 ACCUMULATIONS OR DILAPIDATED STRUCTURES ARE REMOVED, ABATED OR ENJOINED. THE
3 CITY OR TOWN SHALL RECORD THE ASSESSMENT IN THE COUNTY RECORDER'S OFFICE IN
4 THE COUNTY IN WHICH THE PROPERTY IS LOCATED, INCLUDING THE DATE AND AMOUNT
5 OF THE ASSESSMENT, THE LEGAL DESCRIPTION OF THE PROPERTY AND THE NAME OF THE
6 CITY OR TOWN IMPOSING THE ASSESSMENT. ANY ASSESSMENT RECORDED AFTER JULY 15,
7 1996, IS PRIOR AND SUPERIOR TO ALL OTHER LIENS, OBLIGATIONS, MORTGAGES OR
8 OTHER ENCUMBRANCES, EXCEPT LIENS FOR GENERAL TAXES. A sale of the property
9 to satisfy a ~~lien~~ ASSESSMENT obtained under the provisions of this section
10 shall be made upon judgment of foreclosure and order of sale. A city or town
11 shall have the right to bring an action to enforce the ~~lien~~ ASSESSMENT in the
12 superior court of the county in which the property is located at any time
13 after the recording of the assessment, but failure to enforce the ~~lien~~
14 ASSESSMENT by such action shall not affect its validity. The recorded
15 assessment shall be prima facie evidence of the truth of all matters recited
16 therein, and of the regularity of all proceedings prior to the recording
17 thereof.

18 E. ASSESSMENTS THAT ARE IMPOSED UNDER SUBSECTION D OF THIS SECTION RUN
19 AGAINST THE PROPERTY UNTIL PAID AND ARE DUE AND PAYABLE IN EQUAL ANNUAL
20 INSTALLMENTS AS FOLLOWS:

21 1. ASSESSMENTS OF LESS THAN FIVE HUNDRED DOLLARS SHALL BE PAID WITHIN
22 ONE YEAR AFTER THE ASSESSMENT IS RECORDED.

23 2. ASSESSMENTS OF FIVE HUNDRED DOLLARS OR MORE BUT LESS THAN ONE
24 THOUSAND DOLLARS SHALL BE PAID WITHIN TWO YEARS AFTER THE ASSESSMENT IS
25 RECORDED.

26 3. ASSESSMENTS OF ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE
27 THOUSAND DOLLARS SHALL BE PAID WITHIN THREE YEARS AFTER THE ASSESSMENT IS
28 RECORDED.

29 4. ASSESSMENTS OF FIVE THOUSAND DOLLARS OR MORE BUT LESS THAN TEN
30 THOUSAND DOLLARS SHALL BE PAID WITHIN SIX YEARS AFTER THE ASSESSMENT IS
31 RECORDED.

32 5. ASSESSMENTS OF TEN THOUSAND DOLLARS OR MORE SHALL BE PAID WITHIN
33 TEN YEARS AFTER THE ASSESSMENT IS RECORDED.

34 F. AN ASSESSMENT THAT IS PAST DUE ACCRUES INTEREST AT THE RATE
35 PRESCRIBED BY SECTION 44-1201.

36 ~~E.~~ G. A prior assessment for the purposes provided in this section
37 shall not be a bar to a subsequent assessment or assessments for ~~such~~ THESE
38 purposes, and any number of ~~liens~~ ASSESSMENTS on the same lot or tract of
39 land may be enforced in the same action.

40 ~~F.~~ H. ~~The foregoing provisions shall apply~~ THIS SECTION APPLIES to
41 all cities and towns organized and operating under general law of this state,
42 and ~~also the~~ cities and towns organized and operating under a special act or
43 charter.

44 I. FOR PURPOSES OF THIS SECTION:

- 1 1. "PROPERTY" INCLUDES BUILDINGS, GROUNDS, LOTS AND TRACTS OF LAND.
- 2 2. "STRUCTURES" INCLUDES BUILDINGS, IMPROVEMENTS AND OTHER STRUCTURES
- 3 THAT ARE CONSTRUCTED OR PLACED ON LAND.
- 4 Sec. 2. Existing assessments and liens
- 5 Assessments and liens that were recorded under section 9-499, Arizona
- 6 Revised Statutes, before the effective date of this act remain in effect
- 7 under the same terms and conditions that existed at the time of recording.

APPROVED BY THE GOVERNOR APRIL 11, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 1996.