

Senate Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

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.

1 C. The governing body of the city or town may prescribe by ordinance a  
2 procedure for the removal or abatement, and for making the actual cost of the  
3 removal or abatement, including the actual costs of any additional inspection  
4 and other incidental connected costs, an assessment ~~upon~~ ON the property from  
5 which the rubbish, trash, weeds or other accumulations are removed or abated.

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

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

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

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

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

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

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

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

44 G. A prior assessment for the purposes provided in this section shall  
45 not be a bar to a subsequent assessment or assessments for these purposes,

1 and any number of assessments on the same lot or tract of land may be  
2 enforced in the same action.

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

6 I. For THE purposes of this section:

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

10 ~~1.~~ 2. "Property" includes buildings, grounds, lots and tracts of  
11 land.

12 ~~2. "Structures" includes buildings, improvements and other structures~~  
13 ~~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.~~

Passed the House April 1, 20 13,

Passed the Senate February 27, 20 13,

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

8 day of April, 2013,

at 2:10 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

April, 20 13

at 1:07 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10<sup>th</sup> day of April, 2013,

at 4:58 o'clock P M.

[Signature]  
Secretary of State

S.B. 1466