

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2036

AN ACT

AMENDING SECTION 11-268, ARIZONA REVISED STATUTES; RELATING TO PEST CONTROL.

(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, weeds, filth, debris,
5 stagnant water and dilapidated buildings; violation;
6 classification; removal by county; costs assessed;
7 collection; priority of lien; definition

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, weeds, filth,
11 debris, STAGNANT WATER or dilapidated buildings which constitute a hazard to
12 public health and safety from buildings, grounds, lots, contiguous sidewalks,
13 streets and alleys. Any such ordinance shall require and include:

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

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

25 3. That any person, firm or corporation that places any rubbish,
26 trash, WEEDS, filth or debris upon any private or public property located in
27 the unincorporated areas of the county not owned or under the control of the
28 person, firm or corporation is guilty of a class 1 misdemeanor and, in
29 addition to any fine which may be imposed for a violation of any provision of
30 this section, is liable for all costs which may be assessed pursuant to this
31 section for the removal of the rubbish, trash, WEEDS, filth or debris.

32 4. IF SPRAYING OR OTHER ERADICATION OF MOSQUITOES OR OTHER PESTS FROM
33 STAGNANT WATER SITES IS NECESSARY, THAT THE COUNTY FOLLOW GUIDELINES
34 ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY FOR THE POSTING OF PUBLIC
35 NOTICES IN THE AREA OF THE SPRAYING OR ERADICATION.

36 B. The ordinance may provide that if any person with an interest in
37 the property, including an owner, lienholder, lessee or occupant of the
38 buildings, grounds or lots, after notice as required by subsection A,
39 paragraph 1, does not remove the rubbish, trash, weeds, filth, debris,
40 STAGNANT WATER or dilapidated buildings and abate the condition which
41 constitutes a hazard to public health and safety, the county ~~may~~, at the
42 expense of the owner, LIENHOLDER, lessee or occupant, MAY remove, abate,
43 enjoin or cause the removal of the rubbish, trash, weeds, filth, debris,
44 STAGNANT WATER or dilapidated buildings.

1 C. The board of supervisors may prescribe by the ordinance a procedure
2 for such removal or abatement and for making the actual cost of such removal
3 or abatement, including the actual costs of any additional inspection and
4 other incidental costs in connection with the removal or abatement, an
5 assessment upon the lots and tracts of land from which the rubbish, trash,
6 weeds, filth, debris, STAGNANT WATER or dilapidated buildings are removed.

7 D. The ordinance may provide that the cost of removal, abatement or
8 injunction of the rubbish, trash, weeds, filth, debris, STAGNANT WATER or
9 dilapidated buildings from any lot or tract of land located in the
10 unincorporated areas of the county and associated legal costs be assessed in
11 the manner and form prescribed by ordinance of the county upon the property
12 from which the rubbish, trash, weeds, filth, debris, STAGNANT WATER or
13 dilapidated buildings are removed, abated or enjoined. The county shall
14 record the assessment in the county recorder's office in the county in which
15 the property is located, including the date and amount of the assessment and
16 the legal description of the property. Any assessment recorded after ~~the~~
17 ~~effective date of this amendment to this section~~ AUGUST 6, 1999 is prior and
18 superior to all other liens, obligations or other encumbrances, except liens
19 for general taxes and prior recorded mortgages. A sale of the property to
20 satisfy an assessment obtained under this section shall be made on judgment
21 of foreclosure and order of sale. The county may bring an action to enforce
22 the lien in the superior court in the county in which the property is located
23 at any time after the recording of the assessment, but failure to enforce the
24 lien by such action does not affect its validity. The recorded assessment is
25 prima facie evidence of the truth of all matters recited in the assessment
26 and of the regularity of all proceedings before the recording of the
27 assessment.

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

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

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

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

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

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

44 F. A prior assessment for the purposes provided in this section is not
45 a bar to a subsequent assessment or assessments for such purposes, and any

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

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

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

9 I. ~~As used in~~ FOR THE PURPOSES OF this section OWNER, LIENHOLDER,
10 LESSEE AND occupant does not include any corporation or association operating
11 or maintaining rights-of-way OR FACILITIES for and on behalf of the United
12 States government, either under contract or under federal law AND DOES NOT
13 INCLUDE AN AGRICULTURAL IMPROVEMENT DISTRICT.

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