

**APPLE VALLEY
ORDINANCE O-2024-26**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “8.06.050 Failure To Comply” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.06.050 Failure To Comply

- A. Removal By Town: If any owner or occupant of lands described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the eradication or destruction or removal of such weeds, garbage, refuse, objects or structures, the enforcement officer shall employ all necessary assistance to cause such materials to be removed or destroyed, ~~at the expense of the town.~~
- B. Itemized Statement: The enforcement officer shall prepare ~~an itemized~~ statement indicating the number of hours spent of all expenses incurred in the removal and destruction of the materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last known address.
- C. ~~Failure To Pay: In the event the owner or occupant fails to make payment of the amount set forth in the statement to the town treasurer within the twenty (20) days, the enforcement officer either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this section.~~ Enforcement and Collection under this code will be subject to section 16.02.010 Civil Enforcement Purpose and Authority
- D. ~~Collection:~~
~~Lawsuit: In the event collection of expenses of destruction and removal are pursued through the courts, the town shall sue for and receive judgment for all of the expenses of destruction and removal, together with reasonable attorney fees, interest and court costs and shall execute upon such judgment in the manner provided by law. Taxes: In the event that the enforcement officer elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same and shall deliver the three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of Utah Code § 10-11-4, as amended, and the recalcitrant owner shall have such rights~~

~~and shall be subject to such powers as are thereby granted.~~

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley