

36-602. Abatement of nuisances, sources of filth and causes of sickness; civil penalty; property assessment; procedure

A. Notwithstanding any other provision of this title, when a nuisance, source of filth or cause of sickness exists on private property, the county board of health, the local health department, the county environmental department or the public health service district shall order the owner or occupant to remove it within twenty-four hours at the expense of the owner or occupant. The order may be delivered to the owner or occupant personally, or left at the owner or occupant's usual place of abode or served on the owner or occupant in the same manner as provided for service of process under the Arizona rules of civil procedure. If the order is not complied with, the board or department may impose a civil penalty pursuant to section 36-183.04 and shall cause the nuisance, source of filth or cause of sickness to be removed, and expenses of removal shall be paid by the owner, occupant or other person who caused the nuisance, source of filth or cause of sickness.

B. A city or county may prescribe by sanitary ordinance or regulation a procedure for making the actual cost of this removal or abatement, including the actual costs of any additional inspection and other incidental costs in connection with the removal or abatement, an assessment on the lots and tracts of land on which the nuisance, source of filth or cause of sickness was abated or removed, subject to the following:

1. Any such ordinance or regulation shall include a provision for appeal of the assessment to the governing body or the board of supervisors or its designee.
2. The assessment, from the date of its recording in the office of the county recorder in the county where the lot or tract of land is located, is a lien on the lot or tract of land until paid.
3. Any assessment recorded is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.
4. The city or county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by this action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.
5. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for these purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.
6. An assessment or lien recorded pursuant to this section does not limit, restrict or otherwise affect the authority of a city or county to undertake any additional enforcement action that is authorized by law, including applicable ordinances or regulations.
7. The ordinance or regulation shall provide notice to all lienholders.