**ORDINANCE NO. 1075**

**AN ORDINANCE OF THE TOWN OF SUPERIOR, SWEETWATER COUNTY, WYOMING ADOPTING AN ABATEMENT LIEN PROCEDURE**

**WHEREAS,** the Town of Superior Ordinances authorize the Town to abate dangerous and/or nuisance properties, and;

**WHEREAS,** in order to assist in recovering the costs of abatement, the Town Council wishes to adopt a lien policy concerning abated properties.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SUPERIOR, SWEETWATER COUNTY, WYOMING THAT THE TOWN CODE SHOULD BE MODIFIED IN THE FOLLOWING WAY:

4-1-17: ABATEMENT

D. Cost Of Abatement: Whenever any nuisance shall be found on any premises and abated, under the provisions of this or any other ordinance, at the expense of the town, after notice to the owner or occupant of the premises, when known and can be found, to abate the same in accordance therewith, it shall be the duty of the officer to report, in writing, to the town council, the amount of such expenses and a description of the premises in or upon which the same be found, the name of the owner or occupant of such premises, when known, and the manner of the service of said notice. The cost of abatement may be recovered by any lawful process, including the lien process outlined in Ordinance 4-1-8.

E. When Not Chargeable To Real Estate: In all cases arising under this or any other ordinance, where the expenses of removing any nuisance cannot be made chargeable to any real estate, or the owner of any real estate, notice may be given to the author of such nuisance, when known, to abate the same, in the manner allowed by the foregoing subsection, and in case of his neglect or refusal to abate the same in accordance with such notice, it shall be the duty of the officer serving said notice to cause such nuisance to be abated, and report the expense thereof to the town council for collection as provided in the foregoing section.

(No other section of Ordinance 4-1-7 is modified by passage of this Ordinance.)

4-1-18: ASSESSMENT OF LIENS FOR ABATEMENT

A. For any abatement by the Town and for which the Town claims recovery of cost of abatement pursuant to this Code, shall constitute a lien against the property abated by the filing with the county clerk a lien statement verifying the accuracy of the lien and the allegations set forth in the lien statement, sworn to and acknowledged by the town or its authorized representative before a notarial officer. The county clerk shall record and index the lien statement by date, names of claimant and property owner, and legal description of the property. The lien statement shall contain as appropriate the following information:

(i) The name and address of the town;

(ii) The amount claimed to be due and owing;

(iii) The name and address of the record owner against whose property the lien is filed;

(iv) The name and address of the holder of any prior lien, security interest or mortgage on or against the property the lien is filed;

(v) The legal description of the property to which the lien applies; and

(vi) An itemized list setting forth the charges claimed to be assessed.

B. Notice shall be sent by the town to the last record owner or his agent and any prior lienholder, security interest holder or mortgagee within thirty (30) days after the lien statement is filed. Failure to send the notice required under this subsection shall not affect the validity of the lien.

C. As a fee for recording a lien statement, the county clerk shall collect from the city or town the same fee as provided by W.S. 18-3-402(a)(xvi)(P) or its successor.

D. The recording fee under this section may be assessed as costs in any action to foreclose or enforce the lien.

E. Any lien perfected in compliance with this section attaches to the real property and improvements made in preference to any subsequent lien, security interest or mortgage under any other provision of law which has been perfected upon real or personal property, including a leasehold interest, against which the lien is claimed. Any lien, security interest or mortgage which has been perfected upon real property or upon a leasehold interest prior to the commencement of any abatement work or repair of the property shall have priority.

**9-4-13: LIENS AND EXPENSES**

C. Lien; Foreclosure. The full amount of all expenses, with interest thereon at the highest rate allowed by law, plus attorney fees shall constitute a lien against the real estate on which the building, mobile home, or structure is or was situated. Liens shall be filed and enforced pursuant to 4-1-18.

D. (Vacated)

(No other section of Ordinance 9-4-13 is modified by passage of this Ordinance.)

First Reading -

Second Reading –

Public Hearing –

Third Reading –

Published .

PASSED AND APPROVED BY THE COUNCIL THIS \_\_\_\_\_ day \_\_\_\_\_\_\_\_\_ of 2019.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dominic Wolf, Mayor**

**ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Anita Vaughn**