

HB1239_L.010

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1239 be amended as follows:

1 Amend printed bill, page 35, line 13, strike "THREE THOUSAND" and
2 substitute "TWO THOUSAND SIX HUNDRED FIFTY".

3 Page 35, line 18, after "(I)" insert "THE MINIMUM CIVIL PENALTY THAT
4 THE COURT MAY IMPOSE FOR A VIOLATION IS ONE HUNDRED DOLLARS PER
5 VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX
6 HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM
7 PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE
8 PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE
9 THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD
10 OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY
11 DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON
12 THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE
13 PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE
14 PRESUMPTIVE MAXIMUM."

15 Page 35, strike lines 20 through 27.

16 Page 36, strike line 1 and substitute:

17 "(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
18 AND WELFARE;

19 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

20 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
21 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

22 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
23 LAWS;

24 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
25 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

26 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

27 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

28 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
29 COURT."

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