

HB1239_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1239 be amended as follows:

1 Amend printed bill, page 12, line 21, strike "(2)(d)(IV)" and substitute
2 "(2)(d)(V)".

3 Page 14, line 8, strike "THREE THOUSAND" and substitute "TWO THOUSAND
4 SIX HUNDRED FIFTY".

5 Page 15, line 22, strike "(I)" and substitute "THE MINIMUM CIVIL PENALTY
6 THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY ZONING
7 ORDINANCE OR RESOLUTION OR AMENDMENT THERETO IS ONE HUNDRED
8 DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO
9 THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE
10 PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE
11 HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND
12 VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM
13 PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX
14 HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE
15 CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT
16 AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A
17 PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM."

18 Page 15, strike lines 26 and 27.

19 Page 16, strike lines 1 through 15 and substitute:

20 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
21 AND WELFARE;

22 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

23 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
24 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

25 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
26 LAWS;

27 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
28 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

29 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

30 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

31 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
32 COURT."

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