

HB1239_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1239 be amended as follows:

1 Amend printed bill, page 10, line 2, strike "THREE THOUSAND" and
2 substitute "TWO THOUSAND SIX HUNDRED FIFTY".

3 Page 10, strike lines 4 through 6 and substitute "ACCORDANCE WITH THE
4 COUNTY ORDINANCE. EACH DAY THAT A VIOLATION".

5 Page 10, after line 22 insert:

6 "(III) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE
7 FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO
8 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL
9 PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION.

10 THE 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. THE COURT
18 MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR
19 A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO ON
20 THE FOLLOWING FACTORS:

21 (A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
22 AND WELFARE;

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

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

26 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
27 LAWS;

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

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

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

32 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
33 COURT."

34 Renumber succeeding subparagraphs accordingly.

35 Strike "(2)(d)(III)" and substitute "(2)(d)(IV)" on: **Page 11**, lines 23 and
36 **24**; and **Page 12**, line 4.

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