

SB098_L.012

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB26-098 be amended as follows:

1 Amend reengrossed bill, page 3, after line 11 insert:

2 "(c) ANY COUNTY OR RESIDENT OF THE STATE MAY MAINTAIN AN
3 ACTION IN EQUITY FOR AN ALLEGED NUISANCE PURSUANT TO SECTION
4 25-12-104 FOR ACTIVITIES IN CONTRAVENTION OF THE SOUND LEVEL
5 LIMITS OR HOURS OF OPERATION OF A PERMIT, REGULATION, OR LICENSE
6 ISSUED BY A LOCAL GOVERNMENT PURSUANT TO SUBSECTION (11)(a)(II)
7 OF THIS SECTION, IN ADDITION TO ANY ENFORCEMENT ACTION TAKEN BY
8 THE LOCAL GOVERNMENT. THE AUTHORITY PROVIDED BY THIS
9 SUBSECTION (11)(c) IS IN ADDITION TO, AND DOES NOT LIMIT OR AFFECT,
10 OTHER ACTIONS AVAILABLE BY STATUTE OR COMMON LAW, INCLUDING
11 RIGHTS OF ACTION BASED ON ALLEGED PRIVATE NUISANCE THAT IS
12 OTHERWISE AVAILABLE BY STATUTE OR COMMON LAW."

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