

HB1239_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1239 be amended as follows:

1 Amend printed bill, page 22, line 21, strike "THREE THOUSAND" and
2 substitute "TWO THOUSAND SIX HUNDRED FIFTY".

3 Page 24, line 19, strike "(I)" and substitute "THE MINIMUM CIVIL PENALTY
4 THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING
5 CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER
6 VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX
7 HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM
8 PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE
9 PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE
10 THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD
11 OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY
12 DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON
13 THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE
14 PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE
15 PRESUMPTIVE MAXIMUM."

16 Page 24, strike lines 22 through 27.

17 Page 25, strike lines 1 through 10 and substitute:

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

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

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

23 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
24 LAWS;

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

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

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

29 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
30 COURT."

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