

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1239 be amended as follows:

1 Amend printed bill, page 33, line 3, strike "THREE THOUSAND" and
2 substitute "TWO THOUSAND SIX HUNDRED FIFTY".

3 Page 33, line 14, after "(c)" insert "THE MINIMUM CIVIL PENALTY FOR A
4 VIOLATION OF THIS ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION,
5 AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY
6 DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A
7 FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM
8 PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE
9 PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT
10 VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT
11 MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN
12 CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE
13 COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE
14 MAXIMUM."

15 Page 33, strike lines 16 through 24 and substitute:

16 "(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
17 AND WELFARE;
18 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
19 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
20 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
21 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
22 LAWS;
23 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
24 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
25 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
26 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
27 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
28 COURT."

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