

HB26-1239, County Enforcement Authority

Representatives Goldstein and Richardson and Senator Mullica

HB1239 does NOT grant counties any new authorities. Counties can already pass ordinances on weeds, pests, building & zoning. The current process to enforce is cumbersome & HB1239 addresses that.

Constituents look to the county to protect the community’s health, safety & welfare. The difficulties in enforcing code violations have diminished public trust and allowed bad actors to perpetually violate ordinances with minimal consequence.

Challenge	Consequence	Solution	Impact
Options for relief separated between District Court for Injunctive Relief & County Court for Civil Penalties	Burdensome for all parties to go through two separate court processes	Allow relief to be sought at either venue	Ability to tailor relief to the severity of the violation, without dual court cases
Civil Penalties are unavailable or meager (\$100/day for building, zoning regulations)	Inadequate to serve as a detriment or motivator for violators	Upon Judge's orders, fines may be collected under a graduated schedule with a \$2,650 maximum.	Come into alignment with municipal penalties & compels voluntary compliance
The Sheriff must issue the summons and complaint to commence cases”	Code enforcement officers are typically not Peace Officers; nor are Sheriffs deputies familiar with codes	Allow code enforcement officers or sheriff’s deputies to issue the summons and complaint to commence cases	Code enforcement officers enforce codes & Sheriffs deputies address crime
Upon Judges’ decision, administrative entry and seizure warrant process must be complete within 10 days	Not practicable timeline for counties	Allow counties 30 days to execute warrants	Provides sufficient time for county to contract for abatement services
Enforcement & remedies of code violations in different areas of statute	Confusion for constituents and judges	Moved various portions of statute	Logic & clarity