

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_

3 SERIES OF 2021

COUNCIL BILL NO. CB21-

COMMITTEE OF REFERENCE:

[COMMITTEE NAME]

5 **A BILL**

6 **For an ordinance amending the maximum fines that may be assessed by the**  
7 **Denver Department of Public Health and Environment.**

8 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

9 **Section 1.** Article XII of Chapter 2 shall be amended by adding the language underlined and  
10 deleting the language stricken to read as follows:

11 **Sec. 2-284. - Procedures.**

12 (c) Except as provided in subsection (e) ~~t~~The enforcement official shall attempt to issue the  
13 administrative citation to the responsible party at the site of any violation or at the responsible party's  
14 business or personal address. If the responsible party is not located, a copy of the administrative  
15 citation shall be left with any adult person residing or working at the site or at the responsible party's  
16 business or personal address, or if no adult person is found at the site or at the responsible party's  
17 business or personal address and the violation occurred on private property or on property for which  
18 the responsible party has responsibility under an ordinance, then a copy of the administrative  
19 citation shall be posted in a conspicuous place on the property on which the violation occurred. If  
20 the responsible party is not located, and the offense occurred on public property or on private  
21 property for which the responsible party does not have responsibility under an ordinance, then a  
22 copy of the administrative citation shall be left with any adult person residing or working at the  
23 responsible party's business or personal address or if no adult person is found, the administrative  
24 citation shall be posted in a conspicuous place on the property of the responsible party.

25 (e) ~~If t~~the enforcement official is unable to issue the administrative citation directly to the  
26 ~~responsible party, then, in addition to posting as described in [subsection] (c) above, the~~ may send  
27 the administrative citation shall be sent via first class mail to the last known address of the  
28 responsible party. In the case of violations occurring on private property or on property for which the  
29 responsible party has responsibility under an ordinance, the administrative citation shall be sent to  
30 the most recent mailing address contained in the city's assessment division records for the property  
31 in violation or the property of the responsible party. In the case of violations occurring off of private  
32 property for which the responsible party has legal responsibility, the administrative citation shall be  
33 sent to the most recent mailing address of the responsible party contained in the records of any

1 municipal, state or federal agency, including but not limited to the Colorado Department of Motor  
2 Vehicles.

3 (f) Notice shall be deemed served on the date of receipt by the responsible party, if personally  
4 served, or upon the fifth seventh calendar day after mailing ~~of the administrative citation or posting~~  
5 ~~of the property, whichever is later.~~

6 **Sec. 2-293. – Penalties assessed.**

7 (a) Each manager may establish policies to assist in the assessment of civil penalties for  
8 administrative citations issued by the manager's department.

9 (b) If the responsible party fails to correct the violation cited, commits the same violation  
10 again, or fails to correct a violation as specified in accordance with an administrative enforcement  
11 order of the AHO, subsequent administrative citations may be issued for violations of the same code  
12 section. Unless otherwise provided in the Code or established by the manager, ~~t~~The penalties  
13 assessed for each administrative citation issued for violations of the same code section or sections  
14 shall not exceed the following amounts regardless of the number of violations per citation:

- 15 (1) First administrative citation: one hundred and fifty dollars (\$150.00).
- 16 (2) Second administrative citation: five hundred dollars (\$500.00).
- 17 (3) Third and each subsequent administrative citation: nine hundred and ninety-nine  
18 dollars (\$999.00).

19 (c) Payment of the penalty shall not excuse the failure to correct the violations nor shall it  
20 bar further enforcement action by the city.

21  
22 **Section 2.** Division 1 of Article I of Chapter 24 shall be amended by adding the language  
23 underlined and deleting the language stricken to read as follows:

24 **Sec. 24-5. – Administrative assessment of civil penalties.**

25 (a) Any person who violates any provision of chapter 8 (animals), excluding the provisions of  
26 sections 8-74 (damaging property), 8-61 (dog attack or bite), 8-62 (dangerous dogs), 8-67 (pit bulls  
27 prohibited without a breed-restricted permit), 8-131(a) (cruelty to animals prohibited), 8-133  
28 (abandonment), and 8-134 (keeping place for fighting animals); chapter 11 (child care); chapter 17  
29 (emergency vehicles); ~~article X (body art)~~ of chapter 24 (health and sanitation); chapter 26 (boarding  
30 homes, personal care boarding homes, and nongovernmental residential facilities for the treatment  
31 or supervision of offenders); article II of chapter 27 (housing code); chapter 33 (lodging); chapter 35  
32 (mobile homes and trailers); chapter 36 (noise control); article I of chapter 37 (health nuisances); or  
33 chapter 51 (pools), is also subject to a civil penalty of not more than ~~nine hundred ninety-nine~~ five

1 thousand dollars (~~\$999~~5,000.00) per violation.

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12 COMMITTEE APPROVAL DATE:

13 MAYOR-COUNCIL DATE:

14 PASSED BY THE COUNCIL: \_\_\_\_\_, 2021

15 \_\_\_\_\_ - PRESIDENT

16 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2021

17 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2021; \_\_\_\_\_, 2021

21 PREPARED BY: Reginald Nubine, Assistant City Attorney

22 DATE: \_\_\_\_\_, 2021

23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
26 3.2.6 of the Charter.

27 Kristin Bronson, Denver City Attorney

28 BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_, 2021