

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. _____

SERIES OF 2013

COMMITTEE OF REFERENCE:

HEALTH, SAFETY, EDUCATION, & SERVICES

A BILL

For an Ordinance amending Section 24-5 of Article I of Chapter 24, Health and Sanitation by adding programs for which violators may be subject to administrative penalties and moving certain provisions relating to enforcement to a new section 24-24 (entitled failure to comply with a violation notice, order, or rules and regulations).

WHEREAS, City Council finds that enhancing the Department’s enforcement powers with respect to the general health and cleanliness of the City would promote the welfare of Denver citizens and would be protective of public health; and

WHEREAS, City Council finds that revisions to the existing ordinance are necessary to facilitate uniformity with the use of administrative penalties for violations of all Chapters of the D.R.M.C. that are enforced by the Department; and

WHEREAS, City Council desires the City to provide for the assessment of administrative penalties as a prompt and economical alternative mechanism for remedying violations of public health regulations enforced by the Department.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 24-5 (Administrative assessment of civil penalties) of the Denver Revised Municipal Code shall be amended by adding the language underlined, and deleting the language stricken, to read as follows:

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

(a) Any person who violates any provision of chapter 8 (animals), excluding the provisions of sections 8-48 (damaging property), 8-51 (dog attack or bite), 8-52 (dangerous dogs), 8-55 (pit bulls prohibited), 8-131(a) (cruelty to animals prohibited)), 8-134 (abandonment), and 8-135 (keeping place for fighting animals); chapter 11 (child care); chapter 17 (emergency vehicles); article x (body art) of chapter 24 (health and sanitation); chapter 26 (boarding homes, personal care boarding homes, and nongovernmental residential facilities for the treatment or supervision of offenders); article II of chapter 27 (housing code); chapter 33 (lodging), chapter 35 (mobile homes and trailers); or chapter 36 (noise control); article I of

chapter 37 (health nuisances); or chapter 51 (pools) shall also be is also subject to a civil penalty of not more than nine hundred and ninety-nine dollars (\$999.00) per violation.

(b) Any person who violates any order issued by the manager of the department of environmental health shall also be subject to a civil penalty of not more than nine hundred and ninety-nine dollars (\$999.00) per violation.

(c) Each day a violation exists or continues shall constitute a separate and distinct violation.

(d) Enforcement actions are intended to be cumulative in nature. The city may pursue one (1) or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

Section 2. Section 24-24 (Failure to comply with violation notice, order, or rules and regulations) is hereby enacted to read and be read as follows:

Sec. 24-24. Failure to comply with a violation notice, order, or rule and regulation.

(a) It is unlawful for any person to fail to comply with any violation notice or any order issued by the manager, including, without limitation, those issued under the manager’s general powers and duties in section 24-16 of the code.

(b) It is unlawful for any person to violate a rule or regulation adopted by the board.

(c) Any person who fails to comply with any violation notice, order, rule or regulation may also be subject to a noncriminal civil penalty of not more than nine hundred and ninety-nine dollars (\$999.00) per violation or the specific civil or administrative penalty amounts set forth in the chapter under which the violation was cited.

(d) Enforcement actions are intended to be cumulative in nature. The city may pursue one (1) or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

(e) Each day a violation exists or continues is a separate violation.

COMMITTEE APPROVAL DATE:

MAYOR-COUNCIL DATE:

PASSED BY THE COUNCIL: _____, 2013

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2013

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

PREPARED BY: Katherine L. Wilmoth, Assistant City Attorney DATE: _____, 2013

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of

1 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
2 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
3 3.2.6 of the Charter.

4 Douglas J. Friednash, Denver City Attorney

5 BY: _____, Assistant City Attorney DATE: _____, 2013