



Revisions to Chapter 24 Health and Sanitation

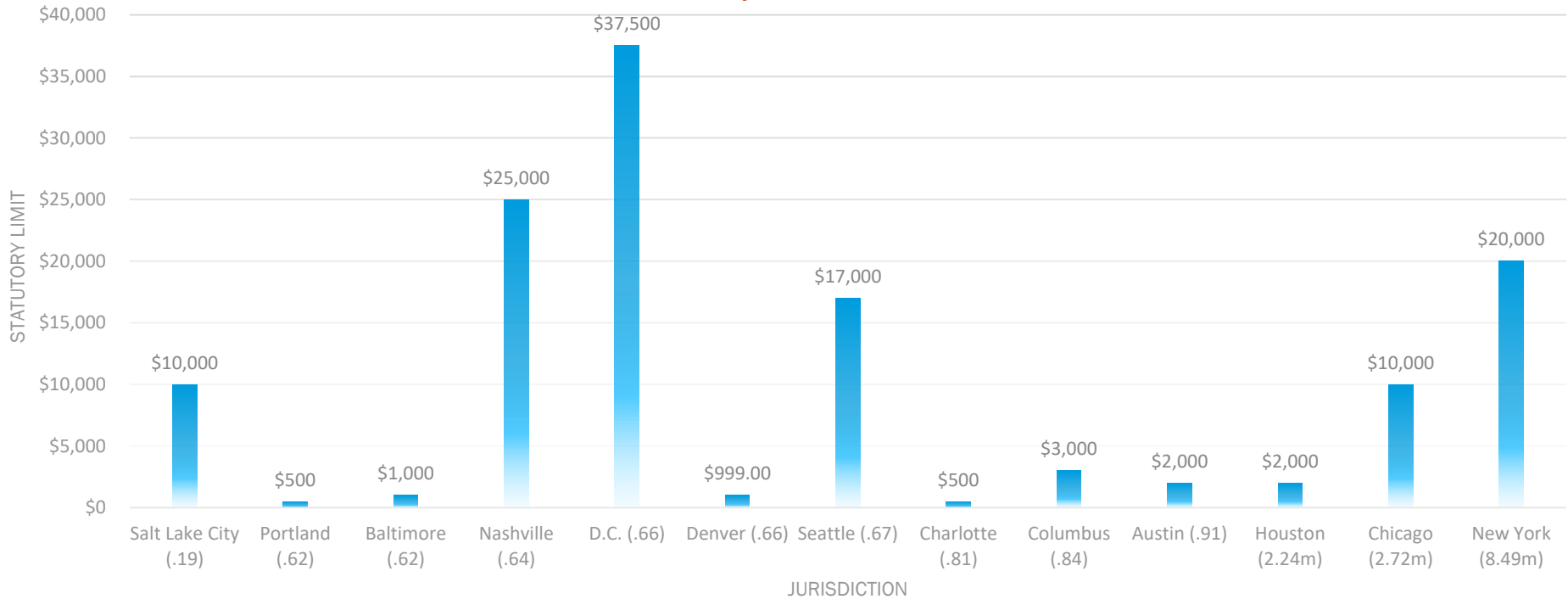
July 14, 2021

Empowering Denver's communities to live better, longer

Background

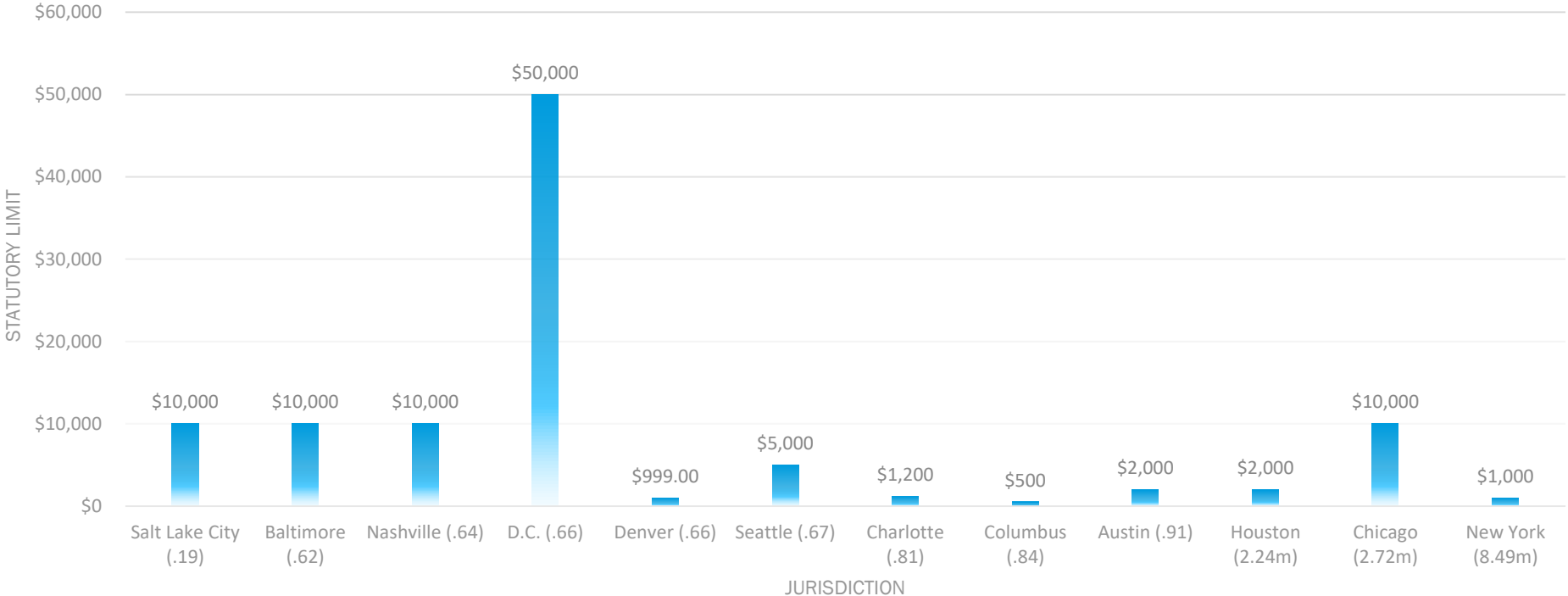
- D.R.M.C. § 24-5 sets a maximum civil penalty of \$999 for certain public and environmental health violations
- The fine is too low and is seen as the “cost of doing business.” This became even more obvious during the pandemic
 - Example: a business is ordered to close as a result of operating under conditions that present an imminent health risk, but in many cases businesses will violate that order because revenues more than pay for the fine
- DDPHE looked at other cities of comparable population and cities that have robust health ordinances

AIR POLLUTION/ODOR VIOLATIONS



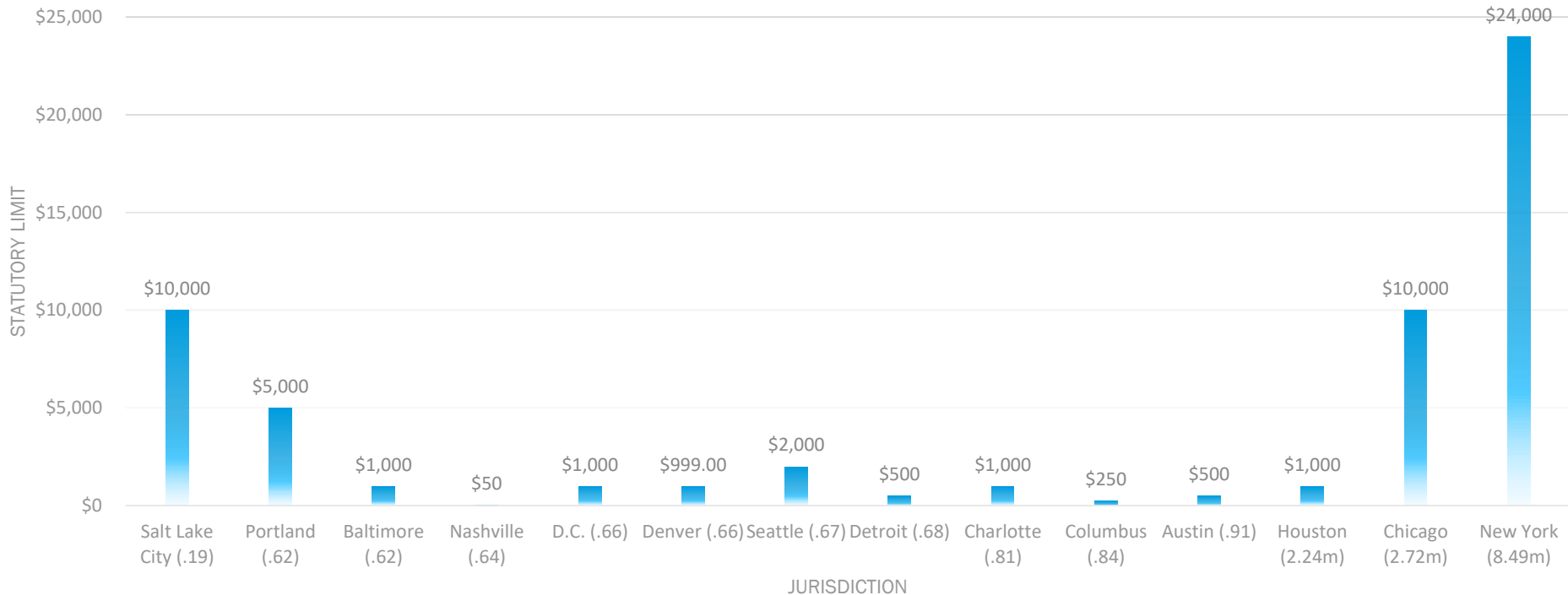
*Average statutory limit penalty is \$9961.54

WATER POLLUTION VIOLATIONS



*Average statutory limit penalty is \$8558.33

NOISE VIOLATIONS



*Average statutory limit penalty is \$4092.86

Historical Citation Data

Programs Issuing Citations

Community & Behavioral Health

- Tobacco

DAP

- Leash Law
- Required Licensing
- Spay/Neutering

Environmental Quality

- Air Quality
- Solid Hazard Waste Materials
- Vector Control

Public Health Investigations

- Food Safety
- Noise
- Residential Health
- Swimming Pools
- Body Art
- Child Care

COVID-19

- Social Distancing & Masks Required

	2018	2019	2020
Citations Issued	2032	2622	949
Citations Appealed	43	69	34
Citations Overturned	7	13	4

Proposed Ordinance Changes: Bill 21-0770

Increase maximum penalty from \$999 to \$5,000

- In the other cities studied by DDPHE, the average maximum fine across all categories is approximately \$5,500
- Encourage greater compliance because a larger fine is less likely to be viewed as merely a “cost of doing business”
- Allows for more flexible fine schedule across different industry types
- Avoids court and associated expenses for the department and the city
- Cases can still be appealed as is currently the case
- Less than 3% of cases are appealed and approximately 0.4% are overturned

Additional Ordinance Update

Section 2-284 of the DRMC

- Sets forth delivery allowances for administrative citations
- Proposed change clarifies that administrative citations may be delivered via first class mail, as has been the practice for many years in some agencies
- Applies to citations from all city agencies
 - DDPHE collaborated closely with impacted departments

Questions?