

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Local Administration  
 2 Subcommittee

3 Representative Newton offered the following:

4

5 **Amendment**

6 Between lines 21 and 22, insert:

7 1. (a) The rate of such penalties shall be fixed by a  
 8 resolution of the board of trustees, as hereinafter provided,  
 9 but may not exceed \$100 per violation against any property  
 10 owner, or any authorized licensee or invitee of the property  
 11 owner, for the failure of the owner of the property or its  
 12 occupant, licensee, or invitee to comply with any provision of  
 13 the rules and regulations of the district.

14 (b) A fine may be levied by the board for each day of a  
 15 continuing violation, with a single notice and opportunity for  
 16 hearing, not to exceed a cumulative total maximum of \$1,000.

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17 (c) A fine may not become a lien against the property.

18 2. (a) Penalties for the failure of the owner of the  
19 property or its occupant, licensee, or invitee to comply with  
20 any provision of the rules and regulations of the district may  
21 include suspension, for a reasonable period of time, of the  
22 right of a property owner, or any authorized licensee or invitee  
23 of the property owner, to use common areas and facilities. A  
24 suspension may not exceed 10 days per violation.

25 (b) A suspension may not prohibit an owner or occupant of a  
26 property from having vehicular and pedestrian ingress to and  
27 egress from the property, including, but not limited to, the  
28 right to park a vehicle.

29 (c) This paragraph does not apply to that portion of common  
30 areas used to provide access or utility services to the  
31 property.

32 3. (a) A fine or suspension levied by the board of trustees  
33 may not be imposed unless the board first provides at least 14  
34 days' notice to the property owner and, if applicable, any  
35 occupant, licensee, or invitee of the property owner, sought to  
36 be fined or suspended and an opportunity for a hearing before a  
37 committee of at least three property owners appointed by the  
38 board who are not officers, trustees, or employees of the  
39 district, or the spouse, parent, child, brother, or sister of an  
40 officer, trustee, or employee.

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41 (b) The role of the committee is limited to determining  
42 whether to confirm or reject the fine or suspension levied by  
43 the board.

44 (c) If the proposed fine or suspension levied by the board  
45 is approved by the committee, the fine payment is due 5 days  
46 after notice of the approved fine is provided to the property  
47 owner and, if applicable, to any occupant, licensee, or invitee  
48 of the property owner.. If the committee, by majority vote, does  
49 not approve a proposed fine or suspension, the proposed fine or  
50 suspension may not be imposed.

51 (d) If a property owner and, if applicable, any occupant,  
52 licensee, or invitee of the property owner, is more than 90 days  
53 delinquent in paying the fine, the district may suspend the  
54 rights of the property owner, or the occupant, licensee, or  
55 invitee of the property owner, to use common areas and  
56 facilities until the fine is paid in full. This subsection does  
57 not apply to that portion of common areas used to provide access  
58 or utility services to the property. A suspension may not  
59 prohibit an owner or occupant of a property from having  
60 vehicular and pedestrian ingress to and egress from the  
61 property, including, but not limited to, the right to park a  
62 vehicle. The notice and hearing requirements under this section  
63 do not apply to a suspension imposed under this subsection.