

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: Local Administration
2 Subcommittee

3 Representative Buchanan offered the following:

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.