

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 435

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6527, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A MISDEMEANOR, TO PROVIDE FOR AN INFRACTION, TO PROVIDE FOR AN ENFORCEMENT ACTION, TO PROVIDE THAT WHERE PROPERTY HAS BEEN MADE NONCONFORMING BY THE EXERCISE OF EMINENT DOMAIN IT SHALL NOT BE A VIOLATION AND NO PENALTY OR COMPLIANCE ENFORCEMENT ACTION SHALL RESULT, TO REVISE PROVISIONS RELATING TO A GOVERNING BOARD; AND TO PROVIDE FOR THE APPLICATION OF LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6527, Idaho Code, be, and the same is hereby amended to read as follows:

67-6527. VIOLATIONS -- ~~CRIMINAL PENALTIES~~ -- ENFORCEMENT. (1) A governing board may provide by ordinance for the enforcement of this chapter or any ordinance or regulation made pursuant to this chapter. A violation of any such ordinance or regulation may be declared a misdemeanor and the governing board may provide by ordinance for punishment thereof by fine or imprisonment or by both. Local ordinances adopted pursuant to authority granted by this chapter may be enforced by the imposition of infraction penalties which enforcement may be by the imposition of an infraction penalty or a compliance enforcement action under subsection (3) of this section, or both.

(2) Except that wWhere property has been made nonconforming by the exercise of eminent domain it shall not be a violation and no penalty, either civil or criminal, or compliance enforcement action shall result.

(3) In addition, wWhenever it appears to a governing board that any person has engaged or is about to engage in any act or practice violating any provision of this chapter or an ordinance or regulation enacted pursuant to this chapter, the governing board may institute a civil action in the district court to enforce compliance with this chapter or any ordinance or regulation enacted hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter or ordinance or regulation enacted hereunder, a permanent or temporary injunction, restraining order, or such other relief as the court deems appropriate shall be granted. The governing board shall not be required to furnish bond.

SECTION 2. The application of this amendment shall be applied prospectively only from the date of enactment.