

**CLEAR CREEK COUNTY
PLANNING DEPARTMENT
POLICY FOR ZONING ENFORCEMENT**

ENFORCEMENT: Zoning enforcement cases are primarily undertaken for three reasons: (1) when complaints are received; (2) violations highly visible to the general public; and (3) violations seen while conducting a site visit on a current case.

COMPLAINTS: If you would like to file a complaint, please complete the attached form and return it to the Planning Department. The identity of the complainant is confidential, if possible. Please understand that we consistently have on-going a minimum of 55 cases across the county; therefore, it may take some time for us to process your complaint.

UPDATES ON ZONING ENFORCEMENT CASES: If you are interested in obtaining an update on a case, please contact Tracy Bennetts, Zoning Enforcement Officer/Zoning Specialist at 303-679-2382.

COUNTY AUTHORITY: Pursuant to Colorado Revised Statutes (C.R.S. §30-28-124 (Penalties) and §30-28-124.5 (County court actions for civil penalties for zoning violations), the county has the power to regulate and enforce the county zoning regulations. *See attached copies of the Statutes.*

ENFORCEMENT PROCEDURE: The below process shall be applied by the County to all zoning violation cases.

1. Identification of alleged zoning violation.
2. Determine the property legal description, location, and property owner(s) where alleged violation exists.
3. Conduct site visit to verify a zoning violation exists. Photographs are taken to provide visual verification. *(Such verification cannot be obtained by entering the property, unless permission is obtained from that landowner)*
 - A. If the property owner(s) is present at the time of this initial site visit, a verbal explanation of the violation may be provided with an understanding that it will be followed up with a formal written notice of violation, if voluntary compliance is not forthcoming.
4. A written notice of violation or information letter is given to the property owner(s) of the parcel where the violation occurs. Such notice of violation is sent certified or served by the Sheriff's Office to the property owner(s). A copy of the written notice of violation shall be also mailed to any other violators (e.g., tenants), if known. The notice of violation shall include, at a minimum, the following information.
 - Address/legal description of the parcel on which the violation occurs.
 - Description of the Zoning Regulation which is being violated.
 - Statement requiring compliance within thirty (30)/ten (10) days of receipt of the written notice of violation or development of an agreement for compliance.
 - Reference to the authorizing statutes and potential ramifications.The following attachments, at a minimum, are also included:
 - Copy of the photograph(s) which show the violation.
 - Copy of the relevant section of the Zoning Regulations, if applicable.
 - Copy of the authorizing statutes (C.R.S. §30-28-124 and §30-28-124.5).
5. At the end of the thirty-day/ten-day period, or the established time frame of an agreement for compliance, a site visit is conducted to verify compliance or noncompliance of the zoning violation. Photographs are taken to provide visual verification.

6. If the site visit verifies that there is compliance, a letter may be mailed to the property owner(s) acknowledging compliance and that the case will be closed.
7. If the property owner has failed to correct the violation within such thirty-day/ten-day period or within any extension period granted through the agreement for compliance by the County Zoning Enforcement Officer, the County Zoning Enforcement Officer will hand the case over to the County Attorney. After review of the case file, the County Attorney shall have the final determination to process the case under C.R.S. §30-28-124 (criminal penalties) and/or C.R.S. §30-28-124.5 (civil penalties). The case is then reviewed by the Board of County Commissioners for approval to proceed with a summons into court or for the County Zoning Enforcement Officer to proceed with working with the property owner(s). After final approval to proceed to court, the County Attorney's office proceeds with mailing the summons to court by certified mail to the property owner(s) of the parcel where the violation occurs. If the certified mail is not received and signed for then the County Attorney proceeds with having the Sheriff's Office personally serve the summons to the property owner(s). Such summons shall be in writing stating the nature of the violation with sufficient particularity to give notice of such charge to the property owner(s). The Sheriff's Office, County Zoning Enforcement Officer, and County Attorney shall be copied on all summons and Notice of Violations.
 - A. The Sheriff's Office, upon receipt of such request from the County Attorney, shall serve the summons and complaint upon the property owner(s) in the manner provided by law. The summons and complaint shall also be filed with the Clerk of the County Court with copies provided to the County Attorney and County Zoning Enforcement Officer.
 - B. The County Attorney and/or County Zoning Enforcement Officer will present the County's position and nature of the violation in County Court. The County Zoning Enforcement Officer and property owner shall be present during all court proceedings.
 - C. If the County Court finds that a violation of the County Zoning Regulations has occurred, the court may impose monetary penalties and/or a jail sentence as authorized in C.R.S. §30-28-124 and §30-28-124.5.
 - (i) If a monetary penalty is imposed, it shall be payable immediately by the property owner(s) to the Courts, who will then send payment to the County Treasurer. For tracking purposes, such funds shall be identified in the Planning Department budget.
 - (ii) In the event that the violation has been cured or otherwise removed at least five (5) days prior to the appearance date on the summons, the owner(s) shall call the County Zoning Enforcement Officer and request a site-visit. This new information will be stated in court.
 - D. Upon the filing with the court of a receipt issued by the County Treasurer showing payment in full of a penalty assessed and upon the filing of an affidavit of the County Zoning Enforcement Officer/County Attorney that the violation has been cured, removed, or corrected, the court shall dismiss the action and issue a satisfaction in full of the judgement so entered.
 - E. If a receipt showing full payment of the penalty or the affidavit required by the County Zoning Enforcement Officer is not filed, the action shall continue and the court shall retain jurisdiction to impose an additional penalty and/or a jail sentence against the property owner(s) in accordance with C.R.S. §30-28-124 and/or §30-28-124.5. Such additional penalty/disciplinary action shall be imposed by the court upon motion filed by the County Attorney and proof that the violation has not been cured, removed, or corrected. Thereafter, the action shall continue until the filing with the court of full payment of fines and penalties are received that were assessed and the filing of an affidavit by the County Zoning Enforcement Officer/County Attorney that the violation has been cured, removed, or corrected.
 - F. Following the courts issuance of a "satisfaction in full" judgement, the County Zoning Enforcement Officer shall close the case.

**CLEAR CREEK COUNTY PLANNING DEPARTMENT
ZONING ENFORCEMENT COMPLAINT FORM**

COMPLAINANT:

Name: _____ Phone: _____

Address: _____

Nature of Complaint: _____

Location of Complaint: _____

Date

Signature of Complainant(if willing to sign)

Complaint received by: _____ Date: _____

OFFICE USE ONLY

OFFENDER:

Name: _____ Phone: _____

Address: _____

Legal Description of Property and Parcel #: _____

Date and time of Site Visit: _____

Inspecting Officer: _____

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991

1991