

**Chapter 11**  
**VIOLATIONS AND ENFORCEMENT**

**§11.1 | Responsibility for Enforcement**

The Planning Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

**§11.2 | Types of Violations**

Any of the following shall be a violation of this Land Development Code and shall be subject to the remedies and penalties provided for in this Land Development Code:

**11.2.1 | Use, Structure or Sign Without Permit or Approval**

To place any use, structure, improvement, or sign upon land that is subject to this Land Development Code without all of the approvals required by this Land Development Code;

**11.2.2 | Activities Inconsistent with Land Development Code**

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Land Development Code;

**11.2.3 | Activities Without Permit or Approval**

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Land Development Code, without all of the approvals required by this Land Development Code;

**11.2.4 | Activities Inconsistent with Permit**

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

**11.2.5 | Activities Inconsistent with Conditions**

To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization;

**11.2.6 | Making Lots or Setbacks Nonconforming**

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Land Development Code;

**11.2.7 | Increasing Intensity of Use**

To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this Land Development Code;

**11.2.8 | Removing or Defacing Required Notice**

To remove, deface, obscure or otherwise interfere with any notice required by this Land Development Code; and

**11.2.9 | Failure to Remove Signs or Other Improvements**

To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this Land Development Code, or for which the permit has lapsed.

**11.2.10 | Violation of National Flood Insurance Program (NFIP) Standards**

To fail to be fully compliant with Chapter 7, Floodplain Regulations, within this Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this Code.

**§11.3 | Continuing Violations**

Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this Land Development Code.

**§11.4 | Remedies and Enforcement Powers**

The County shall have the following remedies and enforcement powers:

**11.4.1 | Withhold Permits**

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Land Development Code, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this Land Development Code, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

**11.4.2 | Permits Approved with Conditions**

Instead of withholding or denying a permit or other authorization (as described in Section 11.4.1), the County may grant such authorization subject to the condition that the violation be corrected.

**11.4.3 | Revoke Permits**

Any development permit or other form of authorization required under this Land Development Code may be revoked when the Planning Director determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this Land Development Code are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

**11.4.4 | Stop Work**

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Land Development Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

**11.4.5 | Revoke Plan or Other Approval**

Where a violation of this Land Development Code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this Land Development Code; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

**11.4.6 | Injunctive Relief**

The County may seek an injunction or other equitable relief in court to stop any violation of this Land Development Code, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

**11.4.7 | Abatement or Removal of Unapproved Activity**

The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**11.4.8 | Penalties**

The County may seek such criminal or civil penalties as are provided by Colorado law.

11.4.9 | Other Remedies

The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related Land Development Code provisions.

11.4.10 | Other Powers

In addition to the enforcement powers specified in this chapter, the County may exercise any and all enforcement powers granted by Colorado law.

11.4.11 | Continuation

Nothing in this Land Development Code shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

**§11.5 | Remedies Cumulative**

The remedies and enforcement powers established in this chapter shall be cumulative, and the County may exercise them in any order.

**§11.6 | Enforcement Procedures**

11.6.1 | Non-Emergency Matters

In the case of violations of this Land Development Code that do not constitute an emergency or require immediate attention, the Planning Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 30 days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

11.6.2 | Emergency Matters

In the case of violations of this Land Development Code that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this chapter without prior notice, but the Planning Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

11.6.3 | Enforcement Actions Involving Agricultural Operators

Before taking enforcement action to correct a violation of this Land Development Code by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this Land Development Code exists, and whether the activity is protected under the County's Right to Farm and Ranch policy as "historical, traditional, legitimate and reasonable." The Agricultural Advisory Panel shall have 15 days to return its findings and recommendations to the Board of County Commissioners.

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