

Planning and Zoning, Office of Code/SMM Enforcement

615 Macon Avenue Room 210

Canon City, Colorado 81212

Telephone (719) 276-7360 / Facsimile (719) 276-7374 / Email planning@fremontco.com

Notice of Violation

**Henry May
1239 29th Trail
Cotopaxi CO 81223**

Certified Mail # 91 7199 9991 7035 4656 3861

Case# 16-122

4/19/2017

This is in reference to case # **16-122** Compliance Advisory dated **3/7/2017** for the property known as **1239 29th Trail, Cotopaxi CO 81223** legally described as Subd: FLORIDA-COLO ACRES S2NE4SE4SE4 SEC 13-20-73 FLA-COLO ACRES TR-53 MANUF #93000-05-258 and located within the **AE-Agricultural Estates zoning district.**

This is to inform you that you have not complied with the request stated within the compliance advisory dated **3/7/2017**. Drive-by/on-site inspection of your property conducted on the following dates 2/16/2017 3/22/2017. **The Compliance Advisory REQUESTED the following action(s) be taken:**

- A. Cease living and or allowing others to live in the camping units.**
- B. Remove the junk, trash, and debris from the parcel, to include the mobile home**
- C. Lower the amount of dogs on the property to four (4) or less.**
- D. Comply with all zoning requirements & building codes for the AE-Agricultural Estates zone district.**

This letter is an official:

Notice of Violation.

You are hereby notified that you are in violation of the following zoning regulations of Fremont County and the State of Colorado.

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The Fremont County Zoning Resolution states:

3.1 No building, structure, or land shall hereinafter be occupied or used, and no building or structure, or part thereof, shall be erected, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

1.5.80 JUNK: Old, used, discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, abandoned or dismantled mobile homes, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material of any kind whether of value or valueless.

1.5.90 KENNEL: Any lot, tract, parcel, or structure used in whole or in part for the purposes of grooming (*where the animals are housed overnight*), housing, boarding, breeding, raising and/or training of five (5) or more dogs or cats, six (6) months old or older. The term "kennel" as applied to these regulations does not include pet shops or veterinary premises.

3.9 No trailer or tent may be occupied as a primary or temporary residence for more than the equivalent of three (3) months per year in the Agricultural Forestry, Agricultural Farming & Ranching, or Agricultural Living Zone Districts. Except as expressly permitted by this General Regulations 3 – 3.25 Section 3 – Page 3 regulation, the use of tents and trailers for human habitation is prohibited provided, however, that this provision shall not prevent the use of tents or travel trailers for children's play or for picnics or for the occasional accommodation (**NOT TO EXCEED TWO (2) WEEKS**) of guests in the Agricultural Rural, **Agricultural Estates**, Agricultural Suburban, Low Density Residence, Medium Density Residence, or High Density Residence Zone Districts.

To mitigate the violation(s), the following shall be completed:

- A. Cease living and or allowing others to live in the camping units.**
- B. Remove the junk, trash, and debris from the parcel, to include the mobile home**
- C. Lower the amount of dogs on the property to four (4) or less.**
- D. Comply with all zoning requirements & building codes for the AE-Agricultural Estates zone district.**

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1.6.2 VIOLATION & PENALTY: Any person, firm or corporation violating any provision of these regulations shall be subject to the penalties set forth in the Colorado Revised Statutes, as amended, and other legal action provided by law.

1.6.1 NOTICE OF VIOLATION: For any property that has formally been placed under violation of the provisions of this Resolution, Fremont County may record a copy of the notice of violation in the real property records of Fremont County as maintained by the Clerk and Recorder, for Fremont County. Once the property is brought into compliance, a compliance letter will be recorded in the land records noting that the property has been brought into compliance with this Resolution.

You have **thirty (30)** days from the date of **receipt** of this notice as established in The Fremont County Zoning Resolution, 1.6.2 and The Colorado Revised Statutes §30-28-124 and §30-28-124.5 to have this property in compliance. The compliance date established in our office is **5/24/2017**. If compliance is **not accomplished** within the stated time period, then your file **ZV16-122** and all **photographs** will be forwarded to the Fremont County Attorney for prosecution.

As per The Fremont County Zoning Resolution, 1.6.2, if you are found to be in violation you are subject to the *penalties* **[not less than five hundred dollars nor more than one thousand dollars,]** as stated in the Colorado Revised Statutes. A copy of the Colorado Revised Statute §30-28-124 and §30-28-124.5 concerning such penalties for zoning violations is included in this letter for your reference. Additionally, Fremont County will be seeking to have you held responsible for **Cost, Attorney Fees and Other Expenses incurred in the court action brought against you.**

Respectfully,

Robert Sapp/ Sean Garrett/ Fredric Gifford
Code SMM Enforcement Officers
CC: County Attorney