

**FREMONT COUNTY
DEPARTMENT OF PLANNING AND ZONING
615 MACON AVENUE, ROOM 210
CAÑON CITY, COLORADO 81212**

Telephone (719) 276-7360

Facsimile (719) 276-7374

VIOLATION NOTICE

Certified Mail #7002-0510-0002-9248-9920

September 20, 2006

**DALE R EACKER
1259 8th Street,
Penrose, Colorado 81240**

**REFERENCE: ZV06-084 VIOLATION NOTICE for the property located at 1259 8th Street,
Penrose, Colorado 81240**

Attempts have been made to contact you with negative results. Therefore we are informing you your property at 1259 8th street, Penrose, Colorado 81240 is in violation of the Fremont County Zoning Resolutions dealing with automobile graveyard, junk and junk yard.

This is to inform you a drive-by/on site inspection of your property was conducted on September 13&19 2006. This letter is an official **Notice of Violation**

According to the records of the Fremont County Assessor, you are the owner of the property at **1259 8th Street, Penrose, Colorado 81240**

Legally described as: **LATIMER ESTATES FL 2 LOT 4 REF FROM 983-04-067 (MOBILE #93000-02-106)**

The previously described property is currently zoned **AR - AGRICULTURAL RURAL ZONE DISTRICT**

DESCRIPTION: This district is intended to promote a rural residential environment. Residential uses in the district will be primarily in conjunction with agricultural activities such as the raising of crops and livestock. Commercial uses will be limited to defined home occupations of a retail or professional nature and commercial uses related to agriculture

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

The Fremont County Zoning Resolution states:

**FREMONT COUNTY
DEPARTMENT OF PLANNING AND ZONING
615 MACON AVENUE, ROOM 210
CAÑON CITY, COLORADO 81212**

Telephone (719) 276-7360

Facsimile (719) 276-7374

VIOLATION NOTICE

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.

1.5.20 AUTOMOBILE GRAVEYARD: Any property consisting of one (1) lot, tract, or parcel or more, or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled, unlicensed, or inoperable motor vehicles or motor vehicle parts. For the purposes of this regulation vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles is not deemed to be an automobile graveyard.

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

1.5.80 JUNKYARD: Any property consisting of one (1) lot, tract or parcel or more, or a place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary landfills. For the purpose of this regulation, vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles is not deemed to be a junkyard

The Fremont County Zoning Resolution, **1.6.2 & 5.7** states:

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.

5.7 ENFORCEMENT / AUTHORITY: If Fremont County brings legal action to enforce the provisions of the Fremont County Zoning Resolution, and the County is the prevailing party in such legal action, County shall be entitled to recover its costs in enforcing the Fremont County Zoning Resolution, including reasonable attorney fees for attorneys who are not salaried employees of Fremont County.

To **mitigate** the violations, the following shall be completed:

- A.** Remove all junk or garbage from the property.
- B.** Limit the storage of wrecked, scrapped, ruined, or dismantled, unlicensed, or inoperable motor vehicles to three (3) or fewer; and remove the junk from the property;

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 date for compliance is October 23,2006.** If compliance is not accomplished

**FREMONT COUNTY
DEPARTMENT OF PLANNING AND ZONING
615 MACON AVENUE, ROOM 210
CAÑON CITY, COLORADO 81212**

Telephone (719) 276-7360

Facsimile (719) 276-7374

VIOLATION NOTICE

within said thirty (30) days then your file **ZV06-084** and all **photographs** will be forwarded to the Fremont County Attorney for prosecution.

As per The Fremont County Zoning Resolution, 1.6.2 & 5.7, if you are found to be in violation you are subject to the penalties found in the Colorado Revised Statutes, a copy of the Colorado Revised Statute §30-28-124 and §30-28-124.5 concerning 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.

Please notify us of your intent to comply or if you bring your property into compliance prior to the **October 23, 2006**. If you need any additional information please contact the department.

Sincerely,

Robert Sapp & Walter Elkins
Code Enforcement Officers

cc: Fremont County Attorney