

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

**Telephone (719) 276-7360**

**Facsimile (719) 275-7538**

**VIOLATION NOTICE**

February 23, 2009

Timothy I. & Tina I. Pearsall

P.O. Box 182

Penrose, Colorado 81240-0182

**REFERENCE: ZV08-077** Compliance Advisory Notice **for the property located at 293 3<sup>rd</sup>.**  
Street, Penrose Colorado 81240,

We are informing you a review was done on your file, we find no response from you, and you have not taken the steps to bring your property into compliance. A drive-by/on site inspection of your property has shown that you have taken no action to bring your property in to compliance.

This is to inform you have not complied with the September 26, 2008 Compliance Advisory Notice. The Compliance Advisory Notice requested you take the following steps to bring your property into compliance with current Fremont County Zoning Resolution: 1) Remove all junk vehicles from the property. You are allowed to keep three (3) unlicensed, inoperable vehicles. 2) Demolish and or Remove Mobile Homes from the property upon securing all necessary State, County, and (Disposal) permits to include an Asbestos inspection. 3) Remove and properly dispose of all Junk, Trash and debris.

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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 293 3<sup>rd</sup> Street, Penrose Colorado 81240, legally described as: **S2S2 LOT 2 SEC 30-18-68 TR-91 MOBILE #93000-08-048.**

The previously described property is currently zoned **AF - AGRICULTURAL FORESTRY ZONE DISTRICT. DESCRIPTION:** This district is established to provide and retain certain lands for agriculture and to provide for orderly low-density residential development.

**You are hereby notified you are in violation of the following Fremont County Zoning Resolution and the State of Colorado.**

**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.

**1.5.15 AUTOMOBILE GRAVEYARD:** Any property consisting of one (1) lot, tract, or parcel or more, or a place of business which is maintained, used, or operated for storing, dismantling, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, unlicensed, or inoperable motor vehicles and/or motor vehicle parts. For the purposes of this regulation,

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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.

**1.5.80 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.

**1.5.81 JUNKYARD:** Any property consisting of one (1) lot, tract, or parcel or more, or a place of business that is maintained, operated, or used for storing, dismantling, 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 do not constitute a junkyard

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

- A. Remove all junk vehicles from the property. You are allowed to keep three (3) unlicensed, inoperable vehicles.**
- B. Demolish and Remove Mobile Homes from the property upon securing all necessary State, County, and Disposal permits to include an Asbestos inspection.**

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**C. Remove and properly dispose of all Junk, Trash and debris.**

**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.

**1.6.3 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 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 March 23, 2009.** If compliance is not accomplished within said thirty-five (35) days, then your file **ZV08-077** 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** 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.**

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Please notify us of your intent to comply or if you bring your property into compliance prior to the thirty days (30). If you need any additional information, please contact the department.

Sincerely,

Robert Sapp & Ronald Zenisky

Code Enforcement Officers

cc: Fremont County Attorney