

**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**

**SCHMIDT SEAN  
1218 PENNSYLVANIA AVE  
CANON CITY, CO 81212-8670**

Certified Mail #7007-2560-0002-3540-3938

**Case# 09-065**

**March 29, 2011**

This is in reference to case #09-065, Agreement to Abate (AA 09-004) for **1218 PENNSYLVANIA AVE, CANON CITY, CO 81212-8670** the property located within Fremont County legally described as: **LOT 10 BLK 10 ORCHARD PARK SUB**. According to the records of the Fremont County Assessor, you are the owner of this property.

Your property is located within the AE - AGRICULTURAL ESTATES ZONE DISTRICT

DESCRIPTION: This district is established for limited agricultural purposes with appropriate single-family residence and accessory uses and provides separation from business and industrial uses.

This is to inform you that you **have not complied** with the Agreement to abate (AA 09-004) signed and dated 10-01-2009 and which you were given a 90 days extension to come into compliance. A visit to your property on 03/17/11 showed that you have not complied and you now have junk, trash and debris on the property along with many unlicensed vehicles. This is to inform you, that you are in violation of Fremont County Zoning Resolution.

This letter is an official:

**Notice of Violation.**

**Notice is hereby given that you are in violation of the following zoning regulations of Fremont County and the State of Colorado.**

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.

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## **VIOLATION NOTICE**

**1.5.22 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, 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.

**1.5.87 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.

**1.5.88 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.

**1.6.1 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.

**1.6.2 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.

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

- 1.) Comply with the Agreement to abate (AA 09-004) and**
- 2.) Remove all Junk, Trash and Debris from the property and**
- 3.) Reduce the number of unlicensed, unregistered vehicles to three (3) and**
- 4.) Comply all applicable Zoning Regulations for the AE - AGRICULTURAL ESTATES ZONE DISTRICT**

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

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property in compliance. The compliance date established in our office is **April 29,2011** if compliance is **not accomplished** within the stated time period, then your file **#09-065** be forwarded to the Fremont County Attorney for prosecution.

As per Fremont County Zoning Resolution, 1.6.2, if you are found to be in violation you will be 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 **any 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 thirty (30) days. If you need any additional information please contact the department.

Sincerely,

Robert Sapp/ Ronald Zenisky  
Code SMM Enforcement Officers

cc: Fremont County Attorney