

FREMONT COUNTY

DEPARTMENT OF PLANNING AND ZONING

615 Macon Avenue Room 200

Canon City, Colorado 81212

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

Violation Notice

Kenneth P Kapler
450 Canyon Road,
Cotopaxi, Colorado 81223-7806

Certified Mail #7010 3090 0003 4666 0302

Case# 10-028

March 01, 2012

This is in reference to case #10-028, Compliance Advisory for, 42 Springhill Road, Cotopaxi, Colorado 81223, the properties located within Fremont County legally described as: **LOT 9 BLK 6 GLEN VISTA FIL #6.**

This is to inform you have not complied with the request made within the Compliance Advisory dated April 26, 2011. Drive-by/on site inspections of your property were conducted on the following dates: 07/28/11 and 10/05/11. The advisory REQUESTED the following action be taken.

VIOLATION:

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.

1.5.14 ANIMAL UNIT: A term and number used to establish an equivalency for various species of livestock (e.g., one (1) cow is equivalent to twenty-five (25) rabbits). The number of livestock allowed by right is dependent upon bulk requirements of the Zone Districts. All livestock shall have the following bulk requirements:

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<u>Type of Animal</u>	<u>Number of animals per animal unit</u>
1.5.14.1 Cow	----- 1 or;
1.5.14.2 Buffalo	----- 1 or;
1.5.14.3 Cattalo	----- 1 or;
1.5.14.4 Horse	----- 1 or;
1.5.14.5 Mule	----- 1 or;
1.5.14.6 Donkey	----- 1 or;
1.5.14.7 Elk	----- 1 or;
1.5.14.8 Fallow deer	----- 1 or;
1.5.14.9 Llama	----- 2 or;
1.5.14.10 Swine	----- 2 or;
1.5.14.11 Ostriches	----- 4 or;
1.5.14.12 Emus	----- 5 or;
1.5.14.13 Alpacas	----- 5 or;
1.5.14.14 Sheep	----- 5 or;
1.5.14.15 Goats	----- 5 or;
1.5.14.16 Poultry	----- 25 or;
1.5.14.17 Rabbit	----- 25 or;

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- 1.5.14.12** Offspring for cattle, horses, llamas, swine, ostriches, emus, alpacas, sheep and goats will not count against the number of permitted animal units for a period of time not to exceed one (1) year; all other six (6) months.
- 1.5.14.13** Any combination of the above animal units and their equivalents as a Use by Right shall not exceed the maximum of three (3) animal units per acre as allowed in the Agricultural Rural, Agricultural Estates and the Agricultural Suburban Zone Districts.
- 1.5.14.14** Miniature breeds are considered the same animal unit as their full size counterpart.
- 1.5.14.15** The Commission and the Board may determine the number of animal units on a case by case basis for any animals not listed.

REQUESTED ACTIONS:

- A. Remove all junk, trash and debris from the property.**
- B. Contain all animals housed on the property in an appropriate enclosure, and ensure they remain on the premises.**
- C. Comply with the established Animal Unit requirements for the Agricultural Rural 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.

The Fremont County Zoning Resolution states:

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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.

1.5.22 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.

1.6.1 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:

- A.** Remove junk motor vehicles and motor vehicle parts from the property.
- B.** Remove junk, trash and debris, and complete a general clean-up of the property to include weed control and brush mitigation.

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 **April 01, 2012**. If compliance is

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not accomplished within the stated time period, then your file **ZV10-028** 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.**

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