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Article 14: Enforcement and Penalties

Section 14.1. General

No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of this Code or enforcement of the LUC regulations shall result in penalties and remedies as set forth in this article.

Section 14.2. Specific Violations

In addition to other activities that may be determined by the Town to be violations of this LUC, the following are specific violations of this LUC. Each day that a violation is permitted to exist shall constitute a separate offense.

A. Activities Inconsistent with Code

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this ordinance, including all required approvals.

B. Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, remodeling, or other activity that is inconsistent with the terms and conditions of any permit or approval.

C. Making Lots or Setbacks Nonconforming

Reduce the lot area, setbacks, or open space below the minimum required by this LUC.

D. Increasing Intensity of Use

Increase the intensity of use of any land or structure beyond that permitted by right or approved through the procedures of this LUC.

E. Subdivision Sale Prior to Approval

Transfers, sale, agreement to sell, or negotiation to sell any part of a subdivision before the plat has been approved by the Board of Trustees and recorded or filed in the office of the County Clerk shall pay a penalty of to the Town of \$500 for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.

F. Expand Nonconformities

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this LUC; or failure to remove or discontinue a nonconformity beyond the specified amortization period.

G. Misrepresentation

Obtaining any permit or approval listed in Article 13 through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant, that might lead the decision-making body to conclude that the application was not consistent with the applicable standards or criteria for such development under this ordinance.

Section 14.3. Complaint

Any person aggrieved by a violation or apparent violation of the provisions of this ordinance may file a written complaint with the Zoning Administrator, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist.

Section 14.4. Enforcement

- A. When it is determined that there has been a violation of any provision of the Land Use Code, written legal notice of violation shall be served in the following manner:
 - 1. Determine and include a list of violations, refer to the section or sections of the Code violated.
 - 2. Determine and specify a time for compliance with relevant Land Use Code provisions 30 days from the service of the notice.
 - 3. Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.
- B. To enforce the terms and provisions of this ordinance, the Zoning Administrator shall:
 - 1. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this LUC; and
 - 2. Receive from any person complaints alleging, with particularity, a violation of this LUC and investigate such complaints.

Section 14.5. Penalties

- A. Any person, firm or corporation who shall violate any of the provisions of this Code or who shall fail to comply with any provisions hereof within the corporate limits of the Town of Dolores shall be guilty of a misdemeanor and upon conviction shall be subject to a fine. Any person violating any of the provisions of this Code shall be fined \$500 upon conviction, or imprisoned for a period of up to 180 days, or both such fine and imprisonment. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- B. The penalties provided herein shall be cumulative of other remedies provided by state law as provided in Colorado Revised Statutes 31-23-216.5 or 31-23-308 and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.
- C. Liability: The owner of a noncompliant lot, use, structure, sign, fence, lighting fixture, or similar is responsible for all costs and any other liability resulting from failure to comply with this chapter.
- D. Money Penalties
 - 1. Violations may be punishable by a penalty of up to \$499.00 per violation, where each day of a continuing violation may be considered a separate violation.
 - 2. Violations shall be considered civil infractions and shall not be considered a criminal offense. Violations are not punishable by jail or imprisonment. Any person who violates this Code shall not have the right to a jury trial.
- E. Revocation: The Town may revoke any zoning development permit upon 30 days' notice to the developer and after the opportunity for a hearing and determination of noncompliance.