

Huerfano County
 Land Use Department
 400 Main Street, Suite B
 Walsenburg, Colorado 81089
 719-738-1220 ext. 103

**HUERFANO COUNTY
 ENFORCEMENT, VIOLATION,
 PENALTIES AND NON-LIABILITY
 REGULATIONS
 SECTION 13.00**



TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
13.01	INTRODUCTION	13-1
13.02	GENERAL PROVISIONS	13-1
13.03	ENFORCEMENT AND PENALTIES FOR VIOLATION OF SUBDIVISION REGULATIONS	13-1
13.04	ENFORCEMENT AND PENALTIES FOR VIOLATION OF ZONING REGULATIONS	13-2
13.05	ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE REGULATIONS FOR AREAS AND ACTIVITIES OF LOCAL CONCERN AND STATE INTEREST (H.B. 1041)	13-3
13.06	ENFORCEMENT OF PLANNED UNIT DEVELOPMENT (PUD) PROVISIONS	13-3
13.07	NON-LIABILITY OF HUERFANO COUNTY AND COUNTY OFFICIALS.....	13-3

Huerfano County
Land Use Department
400 Main Street, Suite B
Walsenburg, Colorado 81089
719-738-1220 ext. 103

**HUERFANO COUNTY
ENFORCEMENT, VIOLATION,
PENALTIES AND NON-LIABILITY
REGULATIONS
SECTION 13.00**



TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
----------------	--------------	-------------

This page left intentionally blank.

**HUERFANO COUNTY
ENFORCEMENT, VIOLATION,
PENALTIES AND NON-LIABILITY
REGULATIONS
SECTION 13.00**



13.01 INTRODUCTION

This Section includes enforcement provisions and penalties for violation of the requirements and other provisions of the Huerfano County Land Use Regulations, which shall take effect upon the adoption of these Regulations, and provisions relating to the non-liability of Huerfano County and its employees and other agents.

13.02 GENERAL PROVISIONS

The enforcement provisions and penalties for violation of the various requirements and other provisions of these Regulations shall be as set forth and enabled by the Colorado Revised Statutes, and all other applicable local and State laws and regulations.

13.03 ENFORCEMENT AND PENALTIES FOR VIOLATION OF SUBDIVISION REGULATIONS

1. Any subdivider or agent of a subdivider who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat prepared for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred (500) dollars for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected under this provision shall be credited to the general fund of Huerfano County.

No final plat for subdivided land shall be approved by the Board of County Commissioners unless, at the time of approval of platting, the subdivider provides certification to the office of the County Treasurer that all ad valorem taxes applicable to such subdivided land, for the years prior to that year in which approval is granted, have been paid.

2. The Board of County Commissioners is empowered to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a final plat for such subdivided land has been approved by the Board.
3. The Board of County Commissioners shall have the authority to bring an action in District Court to compel the enforcement of any improvements guarantee on the sale, conveyance or transfer of title of any lot, lots, tract or tracts of land, or of any other provision of such agreement. Such authority shall include the right to compel rescission of any sale, conveyance or transfer of title of any lot, lots, tract or tracts of land contrary to the provisions of any such restriction set forth on the plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a building permit.

**HUERFANO COUNTY
ENFORCEMENT, VIOLATION,
PENALTIES AND NON-LIABILITY
REGULATIONS
SECTION 13.00**



13.04 ENFORCEMENT AND PENALTIES FOR VIOLATION OF ZONING REGULATIONS

The Board of County Commissioners may provide for the enforcement of the zoning regulations contained within these Regulations and related zoning resolutions, regulations and building permits, by means of the withholding of building permits and other actions, as specified below:

1. It is unlawful to erect, construct, reconstruct, alter or use any building, structure or land in Huerfano County in violation of the zoning provisions of these Regulations or any amendment thereof, and all other associated Huerfano County resolutions and regulations, as provided for in Article 28, Title 30, Colorado Revised Statutes.
2. It is unlawful to erect, construct, reconstruct, alter or use any building, structure or land in Huerfano County without first obtaining from Huerfano County a building permit as provided for and required by Article 28, Title 30, Colorado Revised Statutes, these Regulations, other Huerfano County zoning related resolutions and regulations and the edition of the International Building Code adopted by Huerfano County at any given time.
3. It is unlawful to occupy a building prior to the issuance of a Certificate of Occupancy by the County Building Inspector, as provided in the Huerfano County Building Permit Regulations.
4. The authority, procedures and powers of the County zoning official designated by resolution of the Huerfano County Board of County Commissioners to enforce the zoning provisions of these Regulations and other Huerfano County zoning related zoning resolutions and regulations shall be as provided for in Article 28, Title 30, Colorado Revised Statutes.
5. The authority, procedures and powers of the County building inspector designated by resolution of the Huerfano County Board of County Commissioners to enforce the edition of the International Building Code adopted by Huerfano County at any given time shall be as specified in Article 28, Title 30, Colorado Revised Statutes.
6. The authority, powers and procedures of the County Attorney to act in regard to the enforcement of the zoning provisions of these Regulations, other Huerfano County zoning related resolutions and regulations and the edition of the International Building Code adopted by Huerfano County at any given time shall as specified in Article 28, Title 30, Colorado Revised Statutes.
7. The penalties and the provisions and procedures relating to those penalties for zoning violations shall be as specified in Article 28, Title 30, Colorado Revised Statutes.
8. All other authority, processes and procedures regarding the enforcement, violation and penalties of the zoning provisions of these Regulations, other Huerfano County zoning related resolutions and regulations and the edition of the International Building Code adopted by Huerfano County at any given time shall be as specified in Article 28, Title 30, Colorado Revised Statutes.

Huerfano County
Land Use Department
400 Main Street, Suite B
Walsenburg, Colorado 81089
719-738-1220 ext. 103

**HUERFANO COUNTY
ENFORCEMENT, VIOLATION,
PENALTIES AND NON-LIABILITY
REGULATIONS
SECTION 13.00**



13.05 ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE REGULATIONS FOR AREAS AND ACTIVITIES OF LOCAL CONCERN AND STATE INTEREST (H.B. 1041)

Any person engaging in a development in a designated area of local concern and state interest or conducting a designated activity of local concern and state interest who does not obtain a permit pursuant to these Regulations, who does not comply with the permit requirements or who acts outside the authority of the permit, may be enjoined by the Board of County Commissioners and/or by the Colorado Land Use Commission from engaging in such development or conducting such activity and may be subject to such other criminal or civil liability as may be prescribed by law.

13.06 ENFORCEMENT OF PLANNED UNIT DEVELOPMENT (PUD) PROVISIONS

The rights of the Board of County Commissioners and the residents, occupants and owners of a PUD to the enforcement of the plan provisions of planned unit developments shall be as specified in Section 24-67-106, Colorado Revised Statutes.

13.07 NON-LIABILITY OF HUERFANO COUNTY AND COUNTY OFFICIALS

These Regulations shall not be construed to hold Huerfano County in any manner responsible for any of the contents of these Regulations, or for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided in these Regulations, or resulting from the institution of court action as also herein set forth or the forbearance of Huerfano County to so proceed.

Any County official, employee, consultant, agent or contractor of Huerfano County, charged with the enforcement of these Regulations, acting in good faith and without malice on behalf of said County in the discharge of official duties, shall not thereby render himself or herself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such officials or employees of Huerfano County and stemming from any act or omission performed thereto in the preparation, adoption, amendment or enforcement of any provision of these Regulations shall be defended by the legal officer(s) of Huerfano County until final determination of the proceedings.