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ARTICLE X

Enforcement

Sec. 23-10-10. Violations and penalties.

The COUNTY, through its Department of Planning Services or other departments so authorized, may enforce this Chapter through methods included in this Chapter or through other methods adopted by the Board of County Commissioners.

Sec. 23-10-20. Criminal penalties.

A. It is unlawful to erect, construct, reconstruct or alter any BUILDING or STRUCTURE in violation of any provision of this Chapter. Any person, firm or corporation violating any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction or alteration continues shall be deemed a separate offense.

B. It is unlawful to use any BUILDING, STRUCTURE or land in violation of any provision of this Chapter. Any person, firm or corporation violating any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal USE of any BUILDING, STRUCTURE or land continues shall be deemed a separate offense.

C. Whenever the Department of Planning Services, through one (1) of its employees, has personal knowledge of any violation of this Chapter, it shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. Should the violator fail to correct the violation within such thirty-day period, the Department of Planning Services may request that the Sheriff's office issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in court at a definite time and place stated therein to answer and defend the charge. One (1) copy of said summons and complaint shall be served upon the violator by the Sheriff's office in the manner provided by law for the service of a criminal summons. One (1) copy each shall be retained by the Sheriff's office and Department of Planning Services and one (1) copy shall be transmitted to the Clerk of the Court.

D. It is the responsibility of the County Attorney to enforce the provisions of this Section. In the event the Board of County Commissioners deems it appropriate, the Board of County Commissioners may appoint the District Attorney to perform such enforcement duties in lieu of the County Attorney.

E. Any person who violates any provision of Article IX of this Chapter commits a Class 2 petty offense, and upon conviction thereof, shall be punishable by a fine of three hundred dollars (\$300.00) for each separate violation. Any arresting law enforcement officer shall follow the penalty assessment procedure provided in Section 16-2-201, C.R.S., for any violation of said Article IX. (Weld County Codification Ordinance 2000-1)

Sec. 23-10-30. Equitable relief in civil action.

A. In case any BUILDING or STRUCTURE is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Chapter, the County Attorney, or where the Board of County Commissioners deems it appropriate, the District Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or USE.

B. The County Attorney, acting at the request of the Board of County Commissioners, or the District Attorney, pursuant to Section 16-13-302, C.R.S., may bring an action in the District Court for the COUNTY for an injunction against the operation of an ADULT BUSINESS, SERVICE OR ENTERTAINMENT ESTABLISHMENT for repeat or continuing violations. (Weld County Codification Ordinance 2000-1)

Sec. 23-10-40. Civil penalties.

A. It is unlawful to erect, construct, reconstruct, alter or use any BUILDING, STRUCTURE or land in violation of this Chapter. In addition to any penalties imposed pursuant to Sections 23-10-20 and 23-10-30 above, any person, firm or corporation violating any such regulation, provision or amendment thereof or any provision of this Chapter may be subject to the imposition, by order of the COUNTY Court, of a civil penalty in an amount of not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00). It is within the discretion of the County Attorney to determine whether to pursue the civil penalties set forth in this Article, the remedies set forth in Sections 23-10-20 and 23-10-30 above, or both. Each day after the issuance of the order of the COUNTY Court during which such unlawful activity continues shall be deemed a separate violation and shall, in accordance with the subsequent provisions of this Section, be the subject of a continuing penalty in an amount not to exceed one hundred dollars (\$100.00) for each such day. Until paid, any civil penalty ordered by the COUNTY Court and assessed under this Subsection A. shall, as of recording, be a lien against the property on which the violation has been found to exist. In case the assessment is not paid within thirty (30) days, it may be certified by the County Attorney to the County Treasurer, who shall collect the assessment, together with a ten-percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this Subsection. Any lien placed against the property pursuant to this Section shall be recorded with the County Clerk and Recorder.

B. In the event any BUILDING or STRUCTURE is erected, constructed, reconstructed, altered or used or any land is used in violation of this Chapter, the County Attorney, in addition to other remedies provided by law, may commence a civil action in COUNTY Court for the County, seeking the imposition of a civil penalty in accordance with the provisions of this Section.

C. The Department of Planning Services, through one (1) of its employees designated by resolution of the Board of County Commissioners, shall, upon personal information and belief that a violation of any regulation or provision of this Chapter has occurred, give written notice to the violator to correct such

violation within ten (10) days after the date of such notice. If the violator fails to correct the violation within such ten-day period or within any extension period granted by the Department of Planning Services, the violator shall be given a second written notice that the violation matter has been referred to the County Attorney for legal action, unless the violator requests, in writing, a meeting with the Director of the Department of Planning Services. Following such meeting, the Director of the Department of Planning Services may grant the violator additional time to cure the violation or may request that the County Sheriff or the County Attorney issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator.

D. One (1) copy of the summons and complaint issued pursuant to Subsection C above shall be served upon the violator in the manner provided by law for the service of a County Court civil summons and complaint in accordance with the Colorado Rules of County Court Civil Procedure. The summons and complaint shall also be filed with the Clerk of the County Court and thereafter the action shall proceed in accordance with the Colorado Rules of County Court Civil Procedure.

E. If the County Court finds, by a preponderance of the evidence, that a violation of any regulation or provision of a zoning resolution, or amendment thereto, as enacted and adopted by the Board of County Commissioners, has occurred, the Court shall order the violator to pay a civil penalty in an amount allowed pursuant to Subsection A above. Such penalty shall be payable immediately by the violator to the County Treasurer. In the event that the alleged violation has been cured or otherwise removed at least five (5) days prior to the appearance date in the summons, then the County Attorney shall so inform the Court and request that the action be dismissed without fine or appearance of the defendant.

F. Upon the filing with the Court of a receipt issued by the County Treasurer showing payment in full of a civil penalty assessed pursuant to this Section and upon the filing of an affidavit of the Department of Planning Services that the violation has been cured, removed or corrected, the Court shall dismiss the action and issue a satisfaction in full of the judgment so entered.

G. If a receipt showing full payment of the civil penalty or the affidavit required by Subsection F above is not filed, the action shall continue and the Court shall retain jurisdiction to impose an additional penalty against the violator in the amount specified in Subsection A of this Section. Such additional penalty shall be imposed by the Court upon motion filed by the COUNTY and proof that the violation has not been cured, removed or corrected. Thereafter, the action shall continue the penalty and any additional penalties so assessed and the filing of an affidavit of the Department of Planning Services that the violation has been cured, removed or corrected. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2012-1)

Sec. 23-10-50. Relationship to other ordinances.

The Department of Building Inspection shall withhold issuance of Building Permits if the USE of the property does not conform to the terms set forth in this Chapter and any other specified County ordinance where made applicable by the terms set forth in the specified ordinance including, but not limited to, those ordinances contained in Chapters 20, 24, 26, 27 and 29 of this Code. (Weld County Codification Ordinance 2000-1)