

RESOLUTION NO. 11-36

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO ADOPTING A POLICY PERTAINING TO
ZONING CODE ENFORCEMENT PROCEDURES**

WHEREAS, the City of Castle Pines ("City") is authorized pursuant to Part 4, Article 15 of Title 31 of the Colorado Revised Statutes to adopt and enforce all necessary ordinances and to declare what is a nuisance and to provide for nuisance abatement procedures; and

WHEREAS, Section 116 of the City's Zoning Ordinance further authorizes the City to develop zoning compliance procedures to enforce the terms of the City's Zoning Ordinance; and

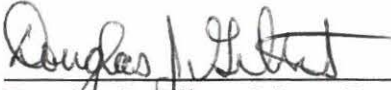
WHEREAS, the City Council desires to adopt a written policy on the procedures to be followed to enforce the City's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby approves and adopts the attached Policy titled "Zoning Code Enforcement Policy."

Section 2. **Effective Date.** This Resolution is effective upon adoption.


INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 5 in favor and 0 against this 14th day of June, 2011.




Douglas J. Gilbert, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



Sharon DeRouen, City Clerk



Linda C. Michow, City Attorney



ZONING & CODE ENFORCEMENT POLICY

I. AUTHORITY:

The City of Castle Pines is authorized pursuant to Part 4, Article 15 of Title 31 of the Colorado Revised Statutes to adopt and enforce all necessary ordinances and to declare what is a nuisance and to provide for nuisance abatement procedures. Section 116 of the City's Zoning Ordinance further authorizes the City to develop zoning compliance procedures to enforce the terms of the City's Zoning Ordinance.

II. PURPOSE OF POLICY:

It is the intent of the City of Castle Pines to promote the health, safety and welfare of the residents of the City as authorized under the police powers vested with the City.

III. POLICY:

The City's code enforcement officer is directed to follow the procedures outlined in this Policy, provided that in exceptional circumstances, such as where the zoning or municipal code violation is a repeat offense, deviations to this procedure are permitted. Deviations may include the City issuing a notice of violation, without a Friendly Reminder, or extending or shortening the period for compliance.

- A. Standard Enforcement (non-emergency). The following procedure is generally followed in non-emergency, standard zoning and code enforcement cases:
 1. Complaint is received and logged by City's enforcement officer.
 2. Inspection by City's enforcement officer, usually within one (1) business day of receipt of a complaint. Visual inspection is conducted from the street and not on private property, unless otherwise authorized by the owner of such private property.
 3. If a violation is observed, a "Friendly Reminder" notice will be issued to the property owner and occupant, if not the property owner. A 'Friendly Reminder' may be issued in writing or verbally and will request compliance within seven (7) days.
 4. City staff will re-inspect the property within a reasonable time after the seven (7) day period. If the property is found to be in compliance, no further action will be required.

5. If the property remains in violation and the alleged violator has not contacted the City's enforcement officer, a **'Notice of Violation'** shall be provided to the property owner, and to any known tenant, agent, occupant, or to the applicant for any relevant permit. Such written notice shall be given in person, by certified U.S. Mail (return receipt requested), or by posting notice on the premises if the premises is vacant. The notice shall specify the Code provisions allegedly in violation, and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to the Zoning Ordinance.
 6. City staff will re-inspect the property within a reasonable time after the thirty (30) day period. If the property is found to be in compliance, no further action will be required.
 7. If the property remains in violation after the thirty (30) days and the alleged violator has not requested an 'Extension of Time for Correction' (see below), a **'Summons to Court and Complaint'** shall be personally served upon the property owner, and any tenant, agent, occupant, or to the applicant for any relevant permit. The notice shall specify the Code provisions allegedly in violation, and shall state that the individual will be summoned to appear in Court on a date certain, shall be fined an amount not to exceed \$100 for each such violation, or by imprisonment in the County jail for not more than 10 days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.
- B. Emergency Enforcement. In the case of violations that constitute an imminent safety or health risk, or violations that will create secondary effects, such as increased costs if not remedied immediately, the code enforcement officer, at the direction of the Mayor or City Manager, may use the enforcement powers available in the Zoning Ordinance without prior notice (i.e. straight to Court Summons, fines, imprisonment, etc.) but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.
- C. Extension of Time for Correction. The City Manager may grant an extension of the time to cure an alleged violation, up to a total of sixty (60) days in addition to the initial thirty (30) days, if the City Council finds that due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days. The alleged violator shall request an extension, in writing, to the Community Development Department prior to the expiration of the thirty (30) day Notice of Violation. The request shall be scheduled for a public meeting on the next available Council agenda.


D. SUMMARY MATRIX:

Zoning Code Compliance Procedural Matrix			
Type of Enforcement Notice:	Format Notice Issued:	Days to Comply:	Next Step:
Friendly Reminder	Written or Verbally	Seven	Violation Resolved= No Further Action; Violation Not Resolved= Notice of Violation
Notice of Violation	Certified Mail or Hand Delivered	Thirty	Violation Resolved= No Further Action; Extension of Time for Correction (if requested) or; Summons to Court
Extension of Time for Correction	Certified Mail or Hand Delivered	Additional Thirty to Sixty	Violation Resolved= No Further Action; Violation Not Resolved=Summons to Court
Summons to Court	Personal Service	Court Determines Compliance Date	Fines and/or Imprisonment
Emergency	Any Method Available	Immediate Compliance	Fines and/or Imprisonment

IV. EFFECTIVE DATE:

This Policy shall be effective upon approval by City Council.

V. REVIEWED BY:

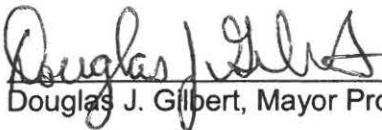


 City Manager

6-16-11
 Date

VI. APPROVAL:

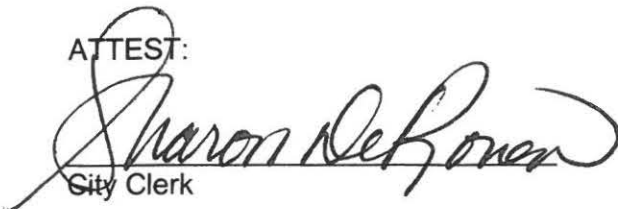
BY RESOLUTION NO. 11-36



 Douglas J. Gilbert, Mayor Pro-Tem

6/17/11
 Date

ATTEST:



 City Clerk

6.21.2011
 Date

City of Castle Pines
 Code Enforcement Policy