

10-101 (D) **Inspections and Duties of County Planner**

Pursuant to C.R.S. 30-28-114 as amended, the Board of County Commissioners authorizes the County Planner and his designees to perform the following enumerated duties.

- (1) When a written complaint is filed with the County Planner, it shall be reviewed at the next regular meeting of the Board of County Commissioners. The complainant and the accused offender shall be given notice of the meeting time, date, and place. Following that meeting, a course of action will be determined. One option would be a determination that the complaint has no merit. A second option would be that the County Planner would send a letter defining the violation and outline potential corrective measures that could be taken. If the issue cannot be resolved from this contact, a summons could be issued to the party by the County Sheriff's Department, ultimately requiring the eventual appearance of the alleged violator in a court of law to defend the charges.
- (2) To inspect buildings, structures, or tract of land in the unincorporated area of the County to determine compliance with these Regulations.
- (3) To issue written notices to alleged zoning violators that they are alleged to be in violation of these Regulations and that the alleged violators have thirty (30) days or such other period of time required by statute or these Regulations in which to correct the alleged violation, after which time the alleged violators may be issued a summons and complaint as permitted by laws of the State of Colorado.
- (4) In cases where it is determined that the public health, safety, and welfare may be endangered, a twenty-four (24) hour notice to cease and desist may be given to the violator.
- (5) To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators statutory notice, and to enforce compliance with Regulations. The County Planner may request in writing, from the property owner, the proposed remedy of any such violation(s).

11-111 **Junk and Weed Control**

- A) **Applicability** - These Regulations apply to all zone districts in Phillips County. However, any Industrial Tract of 10 (ten) acres or more in an industrial zoned district is EXEMPT. All agricultural land currently in agricultural use in the A-1 and A-2 zoned districts is EXEMPT (as described in C.R.S 39-1-102). These Regulations do not apply to identified and operating junk yards officially listed as "grandfathered" uses or uses currently allowed by valid special permits approved by the County.
- B) **Intent** – To control the open air accumulations of junk, rubbish, garbage, weeds, brush, equipment, and structures on individual properties and adjacent alleys or rights-of-way in Phillips County by the authority of Title 30, Article 15, Section 401(1)(a)(I) of the C.R.S. The intent of this regulation is to protect the health, safety, and welfare of the citizens of Phillips County. All complaints will be judged using those criteria.

- C) **Process** – Junk and Weed complaints shall be investigated based on a written, signed complaint only. The only exception is if there is an emergency which poses an immediate danger to public safety. A form for filing these complaints will be provided to the complaining party by the Planning Department. The person filing the written complaint will be informed that this form is likely to become part of the public record if the violation is not corrected by the owner of the property and County or District Court becomes the remedy.
- D) **Accumulation of Junk Prohibition** - It is unlawful for any person, firm or corporation to cause or permit junk, scrap metal, scrap lumber, weeds, brush, waste paper products, discarded building materials, furniture or furnishings, or any unused, abandoned, or derelict mobile homes or trailers, or abandoned parts, machinery or machinery parts, or other waste material, to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises in the County, unless in connection with an agriculture or business enterprise lawfully situated and licensed for the business of collecting waste material. It is unlawful to permit any accumulation of any such waste material in or upon any yard, lawn, garden, outbuilding or premises in the County if the waste material constitutes a fire hazard or hazard to the safety of persons or property or an unsanitary condition unless otherwise specified herein.
- E) **Time of Accumulation** - Garbage, junk and abandoned vehicles or equipment of any kind will not be allowed to accumulate on private property or on adjacent alleys or rights of way in Phillips County for a period of time longer than thirty (30) days unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.
- F) **Time to Correct** - Any person, firm or corporation with accumulations of garbage, junk and abandoned vehicles or equipment of any kind existing at the time of passage of these Regulations will have a total of thirty (30) days to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.
- G) **Rubbish and Garbage Containers** - Rubbish and garbage containers shall be provided by the owner, tenant, lessee or occupant of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall be contained. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed during the thirty-day accumulation period prior to collection by a licensed waste hauler and/or disposal at the County landfill.
- H) **Abandoned Structures** - Abandoned structures are to be boarded up or otherwise secured from entry for public health, safety, and welfare reasons. Abandoned and unused structures that are deteriorating to the extent that they constitute a safety hazard are to be torn down and all component materials disposed of or refurbished. A structure becomes a safety hazard when structurally it is no longer sound and economically infeasible to rehabilitate for reuse of any kind allowed in a particular zone district.

- I) **Cutting of Weeds-** It shall be the duty of each and every persons, corporation or association owning any lot(s), parcel(s), and tract(s) of real property within the County, to cut to a height not to exceed six inches (6”) from the ground level to the point where cut, all weeds, weed brush and rubbish. All rubbish of any kind shall be removed, from said lot(s), parcel(s), and tract(s) of real property as defined in Section 11-111 (A); and also from any adjacent alley behind and from the sidewalk right-of-way area in front of the lot(s), parcel(s), and tract(s) of real property. Right-of-ways along state highways and county roads are not included except for traditional adjacent mowing distances. Composting by definition is specifically exempt from this regulation.
- J) **Junkyards** - Junkyards desiring to locate adjacent to a state highway must obtain a state permit as per 43-1-501 of the C.R.S. in addition to County permits. Junkyards desiring to locate adjacent to county roads must obtain a conditional use permit in an industrial zoned district as required by these Phillips County Zoning Regulations.
- K) **Inspections and Notice** – Following a complaint, County personnel are empowered to examine or cause to be examined every premise suspected to contain an unlawful accumulation of such junk, waste material and weeds and if it is found, to give the person responsible for the junk, waste material and weeds, or the owner or occupant of the premises upon which found, a written notice stating that an unlawful accumulation of junk, waste material, or weeds has been found upon the premises, and directing the person to whom the notice is addressed to eliminate the violation within a reasonable time specified in the notice. The time provided shall be commensurate with the work required to be done to correct the unlawful condition. Proper service of any such notice shall be personal service upon the person responsible for the unlawful accumulation, or the owner, authorized property management agent, or the occupant of the premises. Alternatively, the service may be made to the person by registered or certified mail and return receipt requested.
- L) **Violations** - Failure of any person to carry out the work required to be done by any such notice within the time specified by the notice shall constitute a violation. Any person, firm or corporation who violates the provisions of this section shall be subject to a fine of up to One Thousand Dollars (\$1,000) per violation and each day may be deemed a separate violation.
- M) **Depositing Junk or Waste on Another’s Property** - It is unlawful for any person to discard (blowing debris included), abandon or allow any of the waste material mentioned in Sections 11-111 (B) and 11-111 (D) upon premises not owned or occupied by the person without the consent of the owner thereof, and the waste material so deposited without consent shall be deemed to have discarded and abandoned. Discarding and abandonment of any waste material shall be deemed to be permission by the owner thereof to the County to remove and dispose of the waste material as provided by law. For discarded, abandoned and unclaimed property, the County and its officers and agents may summarily remove the waste material, dispose of the waste material and bill the offending party for the removal.
- N) **County Abatement** - In event of failure of any owner of said lot(s), parcel(s) and tract(s) of real property to dispose of garbage, junk, farm and heavy equipment of any kind or

to remove abandoned structures or weeds, brush or rubbish as set forth herein, at any time and in any manner prescribed herein, the proper officials of the County are given power and authority to notify said owner that if said owner fails to comply with these Regulations on or before thirty (30) days from the date of said notice that the proper officials of the County shall forthwith remove or cut any such junk, rubbish, structures, weeds or brush and the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said lot(s), parcel(s), and tract(s) of real property as are in violation of these Regulations. The proper officials of the County, after such removal, shall forthwith file with the County Planner a statement showing the amount to be assessed against any such lot(s), parcel(s), and tract(s) of real property in payment of said inspection, removal and related expense.

- O) **Notice of Assessment** - The County shall send by registered mail a notice to the owner of any such lot(s), parcel(s) and tract(s) of real property that assessment has been made against the lot(s), parcel(s), and tract(s), for the cost of inspection, removal and related expense for failure to comply with these Regulations. Any such owner may file objections to such assessments within ten (10) days from the date said notice is received; said objections shall be filed with the County. The County shall cause such objections to be presented to the Board of County Commissioners for review at their next regular meeting following the date said objections are filed with the County Planner. The County Planner shall issue notice to said owner of the date of said review hearing by certified mail. Failure of said owner to file objections shall result in said assessments to become a permanent lien on said lot(s), parcel(s), and tract(s) of real property. In the event the Board of County Commissioners determines the assessments to be proper, the County Planner, on or before thirty (30) days after said assessment hearing, shall certify to the Phillips County Treasurer said assessment which is to be levied on said lot(s), parcel(s), and tract(s) and shall collect the same as general taxes, and that five percent (5%) will be added to all costs of collection.
- P) **Hearing on Assessment** - At the time designated in said notice, the Board of County Commissioners shall hear objections to the amount assessed to be levied against lot(s), parcel(s), and tract(s) of real property and shall determine such assessment against said real property as shall be deemed just and proper. If the owner of any such lot(s), parcel(s), and tract(s) of real property fails to pay the amount so assessed with thirty (30) days, said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Planner to the Phillips County Treasurer, who shall collect all such assessments in the same manner that general taxes are collected, and such assessment shall be a lien in the several amounts assessed against such lot(s), parcel(s), and tract(s) of real property until paid, and shall have priority over all other liens except general taxes and prior special assessments. All moneys received by the County Planner under these Regulations shall be placed in the general fund of the County.
- Q) **Non-exclusivity of Assessments** - The fact that assessments have been made against said real property as provided in these Regulations for cutting and removing garbage, weeds, brush, junk, farm and heavy equipment, structures, and the like shall not prevent the owner from being punished as provided in Chapter 10, but such fine may

be imposed on those being found guilty under the provisions of these Regulations, whether an assessment has or has not been made in accordance with the provisions of those Regulations.