

ARTICLE V

ADMINISTRATION

SECTION 500 ENFORCEMENT

This Resolution shall be administered and enforced by such persons as the County Commissioners shall appoint upon recommendation of the Planning Commission, who shall be known as the "Zoning Enforcement Officer," and/or "County Building Inspector."

SECTION 505 ZONING VIOLATIONS

1. NOTIFICATION:

Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Resolution, he shall notify the person(s) responsible for the violation in writing and shall order the necessary correction within a period of 30 days. For violations which involve the operation of equipment or machinery, or the use of hazardous devices, where such operation or use may constitute an immediate threat to the public health or safety or the destruction of public or private property, a Cease and Desist Order may be issued by the Zoning Enforcement Officer. Such order shall be served only with the concurrence of at least one County Commissioner and shall require that said person(s) immediately discontinue such activity until such time as the Board of County Commissioners may determine that the activity may be resumed in accordance with County Zoning Regulations. (Amended 4/8/85 and 6/14/04 Resolution# 2004-50)

2. VIOLATION AND PENALTY:

Failure to comply with all of the provisions of this Resolution, unless a variance has been authorized by the Board of Zoning Adjustments, shall constitute a misdemeanor and, upon conviction, is punishable by a fine of not more than \$100.00 or imprisonment for a period of not more than 10 days, or both. Each day that such a violation continues to exist after the period of correction has terminated shall be considered a separate offense.

3. COMPLAINTS:

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

SECTION 510 BUILDING PERMITS

No building or structure shall be erected, moved, or structurally altered within the County unless the County Building Inspector has issued a Building Permit; the only exceptions being those granted by this resolution or by the current version of the Building Code. Mechanical, plumbing and electrical permits shall be required for all buildings or structures erected, moved, or structurally altered within the County. All Building Permits shall be filed with the County Building Official and shall be available for examination by the public. Building or structures used for the sole purpose of providing shelter for agricultural implements, farm and ranch products, livestock, or poultry shall be exempt from obtaining a Building Permit, however buildings which are used for the storage of passenger vehicles, recreational vehicles and equipment, construction tools and equipment not directly related to agriculture, and workshops are not considered agricultural buildings for the purpose of this exemption.

NOTICE TO OWNER: Upon notice from the Building Official that work on any building or structure is being prosecuted contrary to the provisions of the Building Code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

UNLAWFUL CONTINUANCE: Any person, who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law. (Amended 07/31/90 and 6/14/04 Resolution# 2004-50)

SECTION 510.5 SOILS TESTING

Prior to a building permit being issued a Colorado Licensed Engineer shall conduct a soils test for all commercial buildings and residential living space. The test shall contain the following information:

1. Soil Bearing Capacity
2. Plasticity Index
3. Percent of Particles that pass through a no. 200 sieve.
4. Percent of soil particles less than 5 micrometers in size, determined in accordance with ASTM D422.
5. Expansion Index determined in accordance with UBC 18-1 * along with Soil Bearing Capacity. (Note: if test #5 is used #2, 3, & 4 may be omitted.)

The results of the soils test will determine if an engineered foundation plan must also be submitted.

*Exception: Commercial buildings with an "S" or "U" occupancy, residential structures not intended for occupancy, and seasonal or recreational structures *see Zoning Resolution Section 410.5 and 415.5 may not be required to submit a soils test, it shall be left to the discretion of the Building Official. The Building Official may also wave the soils test requirement if it has been proven from past history, test and experience that the soils in that area pose no threat of instability or expansion.

TABLE 18-1-B CLASSIFICATION OF EXPANSIVE SOIL

| EXPANSION INDEX | POTENTIAL EXPANSION |
|-----------------|---------------------|
| 0-20 | Very low |
| 21-50 | Low |
| 51-90 | Medium |
| 91-130 | High |
| Above 130 | Very High |

(A value of 51 or greater indicates the need for an engineered foundation plan.) (Amended 6/14/04 Resolution# 2004-50)

SECTION 511 MOBILE HOME PERMIT - No longer applicable. (Amended 6/14/04 Resolution# 2004-50)

SECTION 512 CERTIFICATE OF COMPLIANCE

No building permit shall be issued within the unincorporated area of the County unless a Certificate of Compliance with Zoning, Floodplain and Subdivision Regulations has been completed by the County Building Official and/or the County Zoning Enforcement Officer, as may be designated by the Board of County Commissioners from time to time. Such Certificate of Compliance shall verify that

the construction plans are in compliance with all of the property development standards of this Resolution, of the County Floodplain Regulations, and of the County Subdivision Regulations.

Said Certificate of Compliance shall be issued in conjunction with the Building Permit, and a signed and dated copy filed with the County Planning Department, together with a copy of the Site (Plot) Plan and Elevation Plan. Any decision of the Building Official or the Zoning Enforcement Officer may be appealed to the Moffat County Board of Zoning Adjustments, and such appeal shall be heard within 15 working days of the date of appeal. (Amended 12/10/85)

SECTION 515 CERTIFICATE OF OCCUPANCY

For those classes of use requiring a building permit pursuant to Section 510, no building or structure shall be changed in use, nor shall any new building or structure be occupied or used without first having obtained a Certificate of Occupancy from the County Building Inspector. Such Certificate of Occupancy shall be issued within 5 working days of the time of notification that the building or structure is completed and ready for occupancy. All Certificates of Occupancy shall be filed with the County Building Inspector and shall be available for examination by the public. (Amended 12/10/85)

SECTION 520 VACANT OR ABANDONED BUILDINGS

1. GENERAL:

Every person owning, or in charge or control of, any vacant building shall remove there from all accumulations of flammable or combustible waste or rubbish; and further, shall securely lock, barricade or otherwise secure all doors, windows and other openings so as to prevent entry by unauthorized persons. This Section shall apply to abandoned buildings as well as those vacant.

2. FAILURE TO COMPLY:

If the owner or lessee of any vacant or abandoned building fails to comply with this Section within the time provided for in the notice or order issued by the County Building Inspector, the County Building Inspector may take whatever actions are deemed necessary for compliance.

SECTION 525 UNSAFE BUILDINGS STRUCTURES OR UTILITIES

All buildings, structures or utilities, which constitute a hazard or may be dangerous to human life by reason of inadequate maintenance, dilapidation or abandonment, are, for the purpose of this regulation, declared to be unsafe buildings. These buildings, structures or utilities are hereby declared to be public nuisances and shall be abated as provided for law. (See appropriate International Code.)

SECTION 530 BOARD OF ZONING ADJUSTMENTS

A Board of Zoning Adjustments is hereby created which shall consist of 3 members and shall be the County Board of Zoning Adjustments appointed by the County Commissioners. All further reference to the Board of Zoning Adjustments is Section 530 shall hereafter be made to the "Board." All members shall be residents of the County. The terms of office for members are arranged so that one member's term expires each year.

SECTION 530.1 DUTIES

1. To meet at the call of the Chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the same;

2. To adopt any rules necessary to transact the Board's business or to expedite its functions or powers as long as they are not inconsistent with the provisions of this Resolution;
3. To vote upon the granting of an adjustment to requirements of the Zoning Resolution, this shall require the concurrence of more than one-half the members of the Board in order to reverse an order of the Zoning Enforcement Officer.
4. To keep the minutes of the proceedings of each meeting, which shall be filed in the office of the Board, which may designate the Enforcement Officer to keep such files, and which may be of public record;
5. To permit the public to attend and be heard at all of its meetings;
6. To notify in writing the Enforcement Officer, the landowner involved, and the Planning Commission of all decisions made, resolutions passed, hearings scheduled, or permits authorized;
7. To publish notice of, or cause to be published, or to cause the property to be posted, at least 10 days prior to the date of the hearings, where such hearings are deemed necessary by the Board.

SECTION 530.2 POWERS

1. **Interpretation:** The Board shall have the power to interpret this Resolution, including any uncertainty as to boundary locations, or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Resolution;
2. **Variances:** The Board shall have the power to grant variances from the provisions of this Resolution, but only where all of the following conditions are found to exist:
 - a. The variance would not authorize any use other than uses enumerated as a use-by-right in the district;
 - b. That an unnecessary hardship to the owner could be shown to occur if the provisions of the Resolution are literally followed;
 - c. That the circumstances found to constitute a hardship either were not created by the owner, or were in existence at the time of the passage of this Resolution, and are not due to, nor were the result of, general conditions in the district, and cannot reasonably be corrected;
 - d. That the variance would not injure the value of, use of, or prevent the property access of light and air to, the adjacent properties;
 - e. That the variance would not be out of harmony with the intent and purpose of this Resolution.

SECTION 530.3 PROCEDURE

The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and Moffat County. All appeals to the Board shall be in writing and on such forms as shall be prescribed by the Board. Every appeal shall indicate what provision of this Resolution is involved, what relief from these provisions is being sought, and the grounds upon which such appeal is being sought, as required in Section 530.2. The Chairman of the Board shall then, within 30 days, call a meeting of the Board for the purpose of review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the appeal. Failure of the Planning Commission to return the requested opinion shall be considered as approval of the Board's granting of the requested appeal.

SECTION 535 APPEALS FROM THE BOARD

Any further appeal from the decision of the Board may be made to the courts as provided by law; provided, however, that such appeal is made prior to 60 days following the date of the notification of the Board's decision.

SECTION 540 INTERPRETATION, CONFLICTS AND VALIDITY

1. INTERPRETATION:

The provisions of this Resolution shall be interpreted and applied to be the minimum required for the proper protection of the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of Moffat County.

2. CONFLICT:

Whenever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or which requires the higher standard shall apply.

3. VALIDITY:

Should any section of this Resolution be found by the courts to be invalid, such decision shall not invalidate any other section or provision thereof.

SECTION 545 APPLICATION FEES

To defray a portion of the expenses of the zoning applications, the application fees shall be charged according to the most recent fee structures established by Resolutions approved by the Board of County Commissioners.

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| 1. ZONE CHANGE APPLICATION: | \$300.00 | (amended December 16, 2003 Resolution 2003-69) |
| 2. CONDITIONAL USE APPLICATION | \$ 200.00 | (amended December 16, 2003 Resolution 2003-69) |
| 3. TEMPORARY USE APPLICATION | \$ 30.00 | (amended December 16, 2003 Resolution 2003-69) |
| 4. ZONE VARIANCE APPLICATION | \$125.00 | (amended December 16, 2003 Resolution 2003-69) |