SUMMARY MEMORADUM

TO: El Paso County Board of County Commissioners

FROM: Office of the County Attorney and Planning and Community Development

DATE: November 12, 2026

RE: File No. LCD 26-004: Amendments to the Land Development Code Related to Enforcement Procedures and Legal Remedies Pursuant to Colorado House Bill 26-1239

Project Description

A request by El Paso County Planning and Community Development to amend Chapter 1, Section 1.15 Definitions, and Chapter 11, Sections 11.1.4, Right to Inspect and 11.3, Zoning Violations, of the El Paso County Land Development Code pursuant to C.R.S. § 30-28-124. The purpose of this amendment is to update the requirements for enforcement procedures and legal remedies pursuant to Colorado House Bill 26-1239 and comply with State of Colorado requirements.

Background

Effective August 12, 2026, Colorado House Bill 26-1239 updates and expands county enforcement authority regarding zoning violations and available legal remedies to county courts. This legislation removes outdated statutory constraints and modernizes county court authority to address zoning violations by establishing updated enforcement tools and eliminating legacy limitations that previously hindered local action. The new legislation results in minimal changes to the internal enforcement procedures outlined in the Land Development Code.

Planning Commission Recommendation and Vote

Mr. Moraes moved / Mr. Bailey seconded the motion to recommend approval of the amendments to the El Paso County Land Development Code to the Board of County Commissioners for their consideration. The item was heard as a consent agenda item, and the motion was **approved (7-0).**

Attachments

1. Land Development Code Amendments Redlines
2. Land Development Code Clean Version
3. Planning Commission Minutes from October 15, 2026
4. Planning Commission Staff Report
5. Signed Planning Commission Resolution
6. Draft BOCC Resolution

1.15. Definitions

Violator, Alleged — The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is ~~probable cause~~ competent evidence to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

11.1.4. Right to Inspect

(A) General Provisions. The PCD Director is hereby empowered to inspect any building, structure, real property, proposed right of way, or tract of land within or upon which there is reasonable cause to believe a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. Such inspections may include the following:

- ~~Observations of the property from those portions of the property which are open or accessible to the public, from public property, or from other private property for which permission to enter has been obtained from the owner or occupant.~~ Observations of the property will be made from public property, to include areas that are open and accessible to the public. Observations may also be made from private property in which the owner or occupant has granted permission to enter.
- Entry onto the property pursuant to a court order obtained after submitting a~~n~~ motion for an administrative ~~search~~ entry and seizure inspection which includes a sworn affidavit detailing facts to support a reasonable belief that a violation is likely to exist, and that further investigation of the premises is warranted.
- Entry onto the property in emergency situations in which the PCD Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
- Entry onto the property after receiving express permission from the alleged violator.

11.3. ZONING VIOLATIONS

11.3.1. Unlawful Acts

It is unlawful to use real property or improvements thereon; to develop real property, use any land in violation of any regulation, zoning regulation or ordinance, or to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with

the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

11.3.2. Enforcement Procedures

This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the BoCC, or the PCD Director through an executive determination, to address violations. Nothing in this sSection shall prevent the BoCC, or the PCD Director through an executive determination, from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

(A) Notice of Violation. and Executive Determination. A written notice of violation shall be issued by the PCD Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists.

The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the PCD Director determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety, or welfare. The notice shall provide the enforcement remedies of the county under Part (E) below, including any potential liens related to abatement costs.

(B) Executive Determination. If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the PCD Director may issue an executive determination to the alleged violator authorizing the CAO OCA to pursue remedies under Part (ED)of this Section below, subject to appeal as set forth below.

The PCD Director shall mail the executive determination to the alleged violator in the same manner as the notice of violation. The executive determination shall specify the nature of the violation and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator, to the BoCC prior to the CAO pursuing remedies under Parts (D) The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically include a description of the violation, the remedies under Part E below, and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator.

The executive determination shall state that the alleged violator may appeal the PCD Director's decision to the BoCC. The alleged violator must submit an appeal in writing to the PCD Director. Any written appeal must be received by the PCD Director within 10 days after the date of the executive determination. Any such appeals received beyond 10 days shall be deemed untimely.

If no appeal is received within 10 days after the date of the PCD Director's executive determination, then the PCD Director's executive determination shall be final, and the ~~CAO~~ OCA may proceed with litigation to seek remedies pursuant to Part~~s~~ (E)~~(2), (3) of this Section~~below.

(C) Appeal Hearing. If the PCD Director receives a timely appeal from his or her executive determination as set forth in Part (B~~A~~), then the PCD Director shall place the matter on the BoCC's next available land-use hearing agenda.

The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists, no less than 5 days prior to the hearing.

At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show cause why further enforcement action should not be taken. The BoCC shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

At the conclusion of the appeal hearing, the BoCC may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the PCD Director to proceed with 1 or more of the enforcement ~~mechanisms~~ remedies provided in Part (E~~D~~) below.

The appeal hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

(D~~B~~) **Revocation of Approvals and Permits.** If an alleged violator is in violation of the terms and conditions of a development application approval or development permit that was issued by ~~the~~ PCD without review by the Planning Commission or the BoCC, the PCD Director may revoke the development permit or development application approval. Notice of the revocation may be sent via first class mail to the ~~property owners~~alleged violator's mailing address as listed in the records of the Assessor's Office and to the mailing address of the property if one exists. Appeals of revocations may be taken to the BoCC pursuant to the procedures set forth in the Procedures Manual.

(E~~D~~) **Remedies.** The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the BoCC's authority to seek any other remedy available at law for violations of the Code:

(1) **Criminal Prosecution.** Only the BoCC may authorize the initiation of criminal prosecution for violations of the Code.

(2) **Injunction.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the ~~CAO~~ OCA for the institution of an injunction, mandamus, ~~abatement,~~ or other appropriate action to prevent, enjoin, ~~abate,~~ or remove a violation or to otherwise restore the premises to the condition that existed before the violation, pursuant to state statute.

(3) **District or County Court Action for Civil Remedies.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the ~~CAO~~ OCA for ~~filing of~~ a District or County Court filing action seeking the imposition of civil penalties and/or remedies pursuant to § C.R.S. 30-28-124, as amended. ~~State statute.~~

(4) **Abatement.** The BoCC, or the PCD Director, through an executive determination, may refer the matter to the ~~CAO~~ OCA for filing of an abatement action pursuant to § C.R.S. 30-28-124, as amended.

1.15. Definitions

Violator, Alleged — The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is competent evidence to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

11.1.4. Right to Inspect

(A) General Provisions. The PCD Director is hereby empowered to inspect any building, structure, real property, proposed right of way, or tract of land within or upon which there is reasonable cause to believe a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. Such inspections may include the following:

- Observations of the property will be made from public property, to include areas that are open and accessible to the public. Observations may also be made from private property in which the owner or occupant has granted permission to enter.
- Entry onto the property pursuant to a court order obtained after submitting a motion for an administrative entry and seizure inspection which includes a sworn affidavit detailing facts to support a reasonable belief that a violation is likely to exist, and that further investigation of the premises is warranted.
- Entry onto the property in emergency situations in which the PCD Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
- Entry onto the property after receiving express permission from the alleged violator.

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This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the BoCC, or the PCD Director through an executive determination, to address violations. Nothing in this section shall prevent the BoCC, or the PCD Director through an executive determination, from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

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The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically include a description of the violation, the remedies under Part E below, and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator.

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If no appeal is received within 10 days after the date of the PCD Director's executive determination, then the PCD Director's executive determination shall be final, and the OCA may proceed with litigation to seek remedies pursuant to Part (E) below.

(C) Appeal Hearing. If the PCD Director receives a timely appeal from his or her executive determination as set forth in Part (B), then the PCD Director shall place the matter on the BoCC's next available land-use hearing agenda.

The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists, no less than 5 days prior to the hearing.

At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show-cause why further enforcement action should not be taken. The BoCC shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

At the conclusion of the appeal hearing, the BoCC may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the PCD Director to proceed with 1 or more of the enforcement remedies provided in Part (E) below.

The appeal hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

(D) Revocation of Approvals and Permits. If an alleged violator is in violation of the terms and conditions of a development application approval or development permit that was issued by PCD without review by the Planning Commission or the BoCC, the PCD Director may revoke the development permit or development application approval. Notice of the revocation may be sent via first class mail to the alleged violator's mailing address as listed in the records of the Assessor's Office and to the mailing address of the property if one exists. Appeals of revocations may be taken to the BoCC pursuant to the procedures set forth in the Procedures Manual.

(E) Remedies. The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the BoCC's authority to seek any other remedy available at law for violations of the Code:

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(3) **District or County Court Action for Civil Remedies.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the OCA for a District or County Court filing action seeking the imposition of civil penalties and/or remedies pursuant to § C.R.S. 30-28-124, as amended.

(4) **Abatement.** The BoCC, or the PCD Director, through an executive determination, may refer the matter to the OCA for filing of an abatement action pursuant to § C.R.S. 30-28-124, as amended.

EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, October 15th, 2026, El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

REGULAR HEARING at 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: Thomas Bailey, Jim Byers, Mae Emrick, Eric Moraes, Tim Trowbridge, Christopher Whitney, and Jason Wulf.

PC MEMBERS PRESENT AND NOT VOTING: Michael Brewer (Virtual).

PC MEMBERS ABSENT: Sarah Brittain Jack, Suzanne Casagrande, Bryce Schuettpelz, and Blaine Brew.

STAFF PRESENT: Meggan Herington, Erika Keech, Jen Uhler, Joe Letke, Ryan Howser, Kari Parsons, Kylie Bagley, Kurt Arnoldussen, Charlene Durham, Daniel Torres, Mindy Schulz, and Marcella Maes.

OTHERS PRESENT AND SPEAKING: Ren Trudel, Sean Murphy, Megan Becher, Randy Goodson, and Scott Souders.

1. REPORT ITEMS

Ms. Herrington informed the Planning Commission that Planning Manager Justin Kilgore had resigned from his position with El Paso County. The next PC Hearing is Thursday, November 5th, 2026, at 9:00 A.M.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

Mr. Ren Trudel, a resident of northern El Paso County, expressed opposition to the ongoing Buc-ee's development near I-25 and County Line Road. He raised concerns regarding potential traffic congestion, the scale of the proposed development, and impacts to the surrounding community. Mr. Trudel also

questioned the classification of the facility as a convenience store and requested that County staff carefully review the submitted development documents, particularly the soil reports and proposed grading and compaction activities.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on October 1st, 2026.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (7 - 0)

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

B. P2610 **UHLER**

MAP AMENDMENT (REZONING)

SIESTA GROVE REZONING RR-5 TO RR-2.5

A request by Quentin Dassonville for approval of a Map Amendment (Rezoning) of 35.08 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property to be rezoned is located at 15850 Siesta Grove and is approximately 1.63 miles southwest of the intersection of Black Forest Road and Hodgen Road. (Parcel No. 6100000292) (Commissioner District No. 1)

NO STAFF OR APPLICANT PRESENTATIONS OR DISCUSSION

PC ACTION: BAILEY MOVED / EMRICK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P2610 FOR A MAP AMENDMENT (REZONING), SIESTA GROVE REZONING RR-5 TO RR-2.5, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

C. LDC264 **ARNOLDUSSEN**

LAND DEVELOPMENT CODE AMENDMENT

ENFORCEMENT PROCEDURES AND LEGAL REMEDIES AMENDMENT

A request by El Paso County Planning and Community Development to amend Chapter 1, Section 1.15 Definitions, and Chapter 11, Sections 11.1.4 Right to Inspect and 11.3 Zoning Violations, of the El Paso County Land Development Code pursuant to C.R.S. § 30-28-124 and C.R.S. § 30-28-124.5 The purpose of this amendment is to update the requirements for enforcement procedures and legal remedies pursuant to HB 26-1239 and comply with State of Colorado requirements.

NO STAFF OR APPLICANT PRESENTATIONS OR DISCUSSION

PC ACTION: MORAES MOVED / BAILEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER LDC264 FOR A LAND DEVELOPMENT CODE AMENDMENT, ENFORCEMENT PROCEDURES AND LEGAL REMEDIES AMENDMENT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 0).

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

D. CR261 **LETKE**

MAP AMENDMENT (REZONING)

THE MARKETS AT BENT GRASS REZONE (I-2 TO CR)

A request by Cythia DeYoung and Lena Gail Case for approval of a Map Amendment (Rezoning) of a 17.17-acre property from the I-2 (Industrial) to the CR (Commercial Regional) zoning district. The property is located along Woodmen Frontage Road and Bent Grass Meadows Drive and 0.64-miles west of the intersection of Woodmen Road and Meridian Road. (Parcel Nos. 5301000016) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER REQUEST BY PLANNING COMMISSIONER BYERS.

E. SP262 **LETKE**

PRELIMINARY PLAN

THE MARKETS AT BENT GRASS - PRELIMINARY PLAN

A request by Cythia DeYoung and Lena Gail Case for approval of a 53.91-acre Preliminary Plan creating 14 commercial lots. The properties are located along Woodmen Frontage Road and Bent Grass Meadows Drive and 0.64-miles west of the intersection of Woodmen Road and Meridian Road. (Parcel Nos. 5301000016, 5301000017, & 5301002007) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER REQUEST BY PLANNING COMMISSIONER BYERS.

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4. CALLED-UP CONSENT ITEMS:

3D. CR261 **LETKE**

MAP AMENDMENT (REZONING)

THE MARKETS AT BENT GRASS REZONE (I-2 TO CR)

A request by Cythia DeYoung and Lena Gail Case for approval of a Map Amendment (Rezoning) of a 17.17-acre property from the I-2 (Industrial) to the CR (Commercial Regional) zoning district. The property is located along Woodmen Frontage Road and Bent Grass Meadows Drive and 0.64-miles west of the intersection of Woodmen Road and Meridian Road. (Parcel Nos. 5301000016) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: Mr. Trowbridge asked whether any outstanding easement or right-of-way issues would affect the project. **Ms. Charlene Durham,** Principal Engineer, explained that the necessary easements and right-of-way requirements would be finalized during the final plat process. **Mr. Trowbridge** also asked about the status of the FEMA floodplain map revision and whether its approval would be required prior to final plat approval. **Ms. Durham** clarified that the map revision is a separate process and would not delay final plat approval, as the anticipated floodplain changes had already been accounted for in the project design.

Mr. Byers asked for clarification regarding the proposed traffic modifications at Golden Sage Road and Woodman Road. **Mr. Sean Murphy,** with Evergreen Dev Co, Inc., explained that the existing signal at

Golden Sage Road would remain but would be modified to a continuous green T-intersection, allowing westbound Woodman Road traffic to proceed without stopping. He stated that certain turning movements would be redirected to the proposed signal at Switchgrass Drive, with the final configurations to be determined during construction drawing review in coordination with the County and City of Colorado Springs.

Mr. Byers also asked about the removal of a portion of Woodman Frontage Road and whether the associated right-of-way would be vacated. **Mr. Murphy** clarified that the right-of-way would remain under County ownership and would be repurposed for drainage conveyance.

Ms. Emrick asked how residents of the surrounding neighborhoods would access Meridian Road following the proposed roadway modifications. **Mr. Murphy** explained that residents would continue to have multiple access options utilizing the existing frontage road connections or the proposed roundabout and signalized intersection improvements.

Ms. Emrick also asked whether speed limits along Bentgrass Meadows Drive or Woodman Frontage Road would change. **Mr. Murphy** stated that the speed limit would be reduced to 25 mph along portions of Bentgrass Meadows Drive adjacent to the proposed roundabout.

Mr. Wulf asked whether the proposed improvements to Woodman Road would be completed prior to or concurrently with the development. **Mr. Murphy** explained that the new signal at Switchgrass Drive and modifications to Golden Sage Road are intended to be constructed in a single phase concurrent with the development, as identified in the Traffic Impact Study.

NO PUBLIC COMMENTS OR APPLICANT REBUTTAL

PC ACTION: WULF MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER CR261 FOR A MAP AMENDMENT (REZONING), THE MARKETS AT BENT GRASS REZONE (I-2 TO CR), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 0).

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

3E. SP262 **LETKE**

PRELIMINARY PLAN

THE MARKETS AT BENT GRASS - PRELIMINARY PLAN

A request by Cythia DeYoung and Lena Gail Case for approval of a 53.91-acre Preliminary Plan creating 14 commercial lots. The properties are located along Woodmen Frontage Road and Bent Grass Meadows Drive and 0.64-miles west of the intersection of Woodmen Road and Meridian Road. (Parcel Nos. 5301000016, 5301000017, & 5301002007) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS AND DISCUSSION IN COMBINATION WITH ITEM 3D CR261

PC ACTION: BAILEY MOVED / BYER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER SP262 FOR A PRELIMINARY PLAN, THE MARKETS AT BENT GRASS - PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 0).

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

5. REGULAR ITEMS

A. ID261 **PARSONS**

SPECIAL DISTRICT SERVICE PLAN

BENT GRASS COMMERCIAL METROPOLITAN DISTRICT

A request from McGeady Becher Cortese Williams, P.C., for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for Bent Grass Commercial Metropolitan District. The District is approximately 54 acres and is located at the northeast corner of the intersection of Bent Grass Meadows Drive and Woodmen Frontage Road. The 17.17-acre portion included within the request is zoned I-2 (Industrial) and is anticipated to be rezoned to CR (Commercial Regional), and 36.76 acres is within the CR (Commercial Regional) zone district. The service plan includes the following: a maximum debt authorization of $33,000,000.00, a debt service mill levy of 45 mills for commercial,

and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 60 mills.

The statutory purposes of the district include the provision of the following:

1) design, construction, and maintenance of water systems including fire hydrants;
2) design, construction, and maintenance of sanitation systems;
3) street improvements, transportation, safety protection;
4) design, construction, and maintenance of drainage facilities;
5) design, land acquisition, construction, and maintenance of recreation facilities;
6) mosquito control;
7) covenant enforcement;
8) security services; and
9) solid waste disposal.

Parcel Nos. 5301000016, 5301000017, and 5301002007

(Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: Mr. Moraes, Mr. Whitney, and Mr. Bailey asked for clarification regarding the proposed commercial metropolitan district and its relationship to the existing Bentgrass Metropolitan District. **Ms. Parsons** explained that the proposed commercial district would operate independently from the existing district, with a special exclusion agreement preventing the existing district from issuing new debt obligations against the affected property. However, the property would remain responsible for its share of the existing district's debt obligations until those obligations are satisfied. **Ms. Parsons** further clarified that the proposed commercial district would have its own mill levy limitations consistent with the County's service plan policies. She explained that the overlapping financial obligations could result in a higher combined mill levy until the existing debt is paid. Additional discussion addressed the proposed district boundaries and a potential future inclusion area. **Ms. Parsons** explained that the additional inclusion area was identified to accommodate possible future commercial development or

redevelopment without requiring the creation of another metropolitan district, consistent with County policies intended to limit the proliferation of special districts.

Mr. Moraes asked about the proposed district's ability to repay its debt, noting that a significant portion of the projected revenue appeared to depend on a single commercial tenant. **Mr. Murphy** explained that the district's bonding capacity would be based on independently evaluated revenue projections and would be reduced if anticipated development or sales revenues did not materialize. He further explained that if revenues declined after bonds were issued, the district may need to consider options such as restructuring or refinancing its debt. **Mr. Moraes** also asked about the fixed annual payment of $20,000 over 30 years and whether inflation had been considered. **Mr. Murphy** explained that the amount was negotiated with the existing metropolitan district to address anticipated operation and maintenance costs following the exclusion. He stated that a fixed payment was selected to provide financial predictability for both districts over the 30-year period.

Ms. Emrick asked for clarification regarding the proposed funding allocation for parks and whether those funds would be used for future trail improvements. **Mr. Murphy** explained that the parks category includes various eligible public improvements, such as open space, landscaping, and water quality facilities, rather than exclusively traditional park facilities. He further clarified that while the proposed district would have the ability to contribute toward future trail improvements, those costs are not currently included in the proposed financial plan.

NO PUBLIC COMMENTS OR APPLICANT REBUTTAL

PC ACTION: MORAES MOVED / WULF SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID261 FOR A SPECIAL DISTRICT SERVICE PLAN, BENT GRASS COMMERCIAL METROPOLITAN DISTRICT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 0).

IN FAVOR: (7) Bailey, Byers, Emrick, Moraes, Trowbridge, Whitney, and Wulf.

IN OPPOSITION: (0) None.

B. PUDSP251 **HOWSER**

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN

MAYBERRY PHASE 2

A request by Mayberry Communities, LLC, for approval of a Map Amendment (Rezoning) of 18.70 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan illustrating 92 single-family attached lots, 6 single-family detached lots, 1 clubhouse lot, for a total of 99 lots, 8 tracts, including 5.99 acres of open space provisions and 2.33 acres of land dedicated for public right-of-way. The property is located at the southeast corner of the intersection of State Highway 94 and Mayberry Drive. (Parcel Nos. 3400000472, 3400000473, 3414201024, 3414205001, and 3414206001) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: Mr. Bailey asked for clarification regarding the additional condition of approval included in the resolution. **Mr. Howser** confirmed that an updated resolution containing the additional condition had been provided to the Planning Commission.

Mr. Trowbridge asked whether a traffic signal would be installed at Highway 94 and whether the developer would be required to contribute funding toward the improvement. **Ms. Durham** explained that a traffic signal was not currently warranted and that any future installation would be subject to CDOT's schedule. She stated that she was unaware of any existing funding arrangements and deferred further clarification to the applicant.

Mr. Moraes asked whether the outstanding disagreement between staff and the applicant regarding permitted encroachments into side yard setbacks had been resolved. **Mr. Howser** explained that the issue remained under review and was addressed through Condition of Approval No. 7, requiring all outstanding staff comments to be resolved prior to final approval and recording of the plan. He clarified that staff's primary concern was ensuring adequate stormwater drainage between structures, particularly given the narrow side yard setbacks. Mr. Howser stated that the proposed resolution would restrict encroachments into side yard setbacks while allowing certain encroachments within front and rear setbacks.

Mr. Moraes asked whether the outstanding concerns from the Ellicott Fire Department were limited to wildfire mitigation or included additional fire protection requirements. **Mr. Randy Goodson,** President

of Mayberry Communities, explained that the applicant had experienced difficulties obtaining consistent responses from the Fire Department throughout the review process, despite submitting responses to previous comments. **Mr. Moraes** asked whether qualified fire protection professionals had participated in preparing the applicant's responses. **Mr. Scott Souders,** Director of Development with Mayberry Communities, confirmed that fire protection consultants had been involved and explained that the applicant believed the proposed development complied with applicable fire and building code requirements. **Mr. Moraes** expressed concern regarding the Fire Department's operational capacity to serve the proposed development, noting that compliance with adopted codes does not necessarily establish the availability of adequate emergency response resources. **Mr. Souders** acknowledged the concern and suggested that broader coordination among the Fire Department, County officials, and area developers may be necessary to address long-term service capabilities. **Mr. Goodson** further noted that the development would contribute additional tax revenue to the Fire Department and referenced existing fire protection facilities serving the area.

Mr. Moraes asked for clarification regarding the water supply available for fire protection. **Mr. Goodson** explained that Ellicott Utilities Company has an agreement with Cherokee for 200,000 gallons of storage capacity in an existing tank at Mayberry, of which 180,000 gallons is designated for fire flow.

Mr. Moraes also asked whether the applicant intended to pursue a modification to the required setbacks adjacent to open space. **Mr. Goodson** confirmed that the modification was still being requested to accommodate the proposed pedestrian-oriented design and direct trail access from the homes.

Mr. Trowbridge asked about the proposed residential density in relation to the overall Mayberry Sketch Plan and expressed concerns regarding the proximity of structures and potential impacts to fire safety and drainage. **Mr. Goodson** explained that while the proposed development falls within the highest density category identified in the Sketch Plan, it would not have the highest number of dwelling units per acre compared to other planned residential areas.

Ms. Emrick asked whether fire sprinklers had been considered for the proposed residential units, expressing concerns regarding the proximity of structures and accessibility for emergency vehicles**. Mr. Goodson** explained that the proposed roadways, fire hydrant locations, and building configurations were designed to meet applicable fire code requirements, including emergency vehicle access.

Mr. Wulf asked for clarification regarding staff's assessment of the outstanding fire protection concerns, given the lack of support from the Ellicott Fire District. **Ms. Herrington** explained that staff could not determine the extent of any outstanding issues due to unsuccessful attempts to coordinate with the Fire District. She noted that a qualified third-party fire consultant had reviewed the project for compliance with the adopted International Fire Code. Ms. Herrington further clarified that the Fire District would have an additional opportunity to review and sign off on individual building permits through the Pikes Peak Regional Building Department.

NO PUBLIC COMMENT OR APPLICANT REBUTTAL

PLANNING COMMISSION DISCUSSION: Mr. Moraes expressed concerns regarding the proposed development's compliance with approval criteria related to the capacity of public facilities, particularly fire protection services. He acknowledged the applicant's efforts to meet applicable code requirements but questioned whether the Ellicott Fire District had the operational capacity to adequately serve future residents, given its lack of participation in the review process. Mr. Moraes also noted concerns regarding the justification for certain requested modifications and waivers but emphasized that the unresolved fire protection concerns were his primary hesitation in recommending approval to the Board of County Commissioners.

Mr. Bailey stated that he supported the motion to recommend approval to the Board of County Commissioners. He expressed concern that allowing a public agency's lack of response or participation in the review process to prevent a project from moving forward could establish a problematic precedent. He emphasized that property owners and developers should not be penalized when no specific deficiencies or inability to provide services have been established.

PC ACTION: BAILEY MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER PUDSP251 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN, MAYBERRY PHASE 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, FIVE (5) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED (3 - 4).

IN FAVOR: (3) Bailey, Byers, and Trowbridge.

IN OPPOSITION: (4) Emrick, Moraes, Whitney, and Wulf.

6. NON-ACTION ITEMS

None.

MEETING ADJOURNED at 12:15 P.M.

Minutes Prepared By: Marcella Maes & Jessica Merriam

TO: **El Paso County Planning Commission**
Tim Trowbridge, Chair

FROM: **Terry Sample, Senior Assistant County Attorney**
Kurt Arnoldussen, Code Enforcement Supervisor

RE: **Project File Number: LDC264**
Amendments to the Land Development Code Related to Enforcement Procedures and Legal Remedies Pursuant to Colorado House Bill 26-1239

Commissioner District: All Commissioner Districts

Planning Commission Hearing Date:	October 15, 2026
Board of County Commissioners' Hearing Date:	November 12, 2026

EXECUTIVE SUMMARY

A request by El Paso County Planning and Community Development to amend Chapter 1, Section 1.15 Definitions, and Chapter 11, Sections 11.1.4, Right to Inspect and 11.3, Zoning Violations, of the El Paso County Land Development Code pursuant to C.R.S. § 30-28-124 and C.R.S. § 30-28-124.5 The purpose of this amendment is to update the requirements for enforcement procedures and legal remedies pursuant to Colorado House Bill 26-1239 and comply with State of Colorado requirements.

BACKGROUND

Effective August 12, 2026, Colorado House Bill 26-1239 updates and expands county enforcement authority regarding zoning violations and available legal remedies to county courts. This legislation removes outdated statutory constraints and modernizes county court authority to address zoning violations by establishing updated enforcement tools and eliminating legacy limitations that previously hindered local action. Please note that Ordinance No. 18-01 Requiring the Removal of Weeds and Brush, Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish, and Ordinance No. 18-03 Requiring the Removal of Unsafe Structures are also impacted by HB 26-1239. These updates do not require recommendation for approval by the Planning Commission but are subject to a first and second reading by the Board of County Commissioners.

The new legislation results in minimal changes to the internal enforcement procedures outlined in the Land Development Code. Most notable changes to the Land Development Code include:

- Clarifying that issuance of a notice of violation must be based on personal knowledge of a violation and competent evidence acquired during a reasonable investigation.
- Requiring the enforcement authority of the County to be added to notices of violation.
- Expanded available legal remedies to include filing of an abatement action for zoning violations.

The authority of the courts is most impacted by HB 26-1239. The most notable changes include:

- Under the new statute, county courts are authorized to issue injunctions and enforcement orders.
- Establishment of statewide civil penalty structure with court ordered penalties up to $2,650 a day.
- Detailed statutory process for verified complaints, hearings, service, default judgements, and abatement orders.
- Alternative service methods such as posting and certified mail are acceptable if personal service is unsuccessful.
- Courts may enter default judgements if property owners fail to appear after proper service.

To comply with C.R.S. § 30-28-124 and C.R.S. § 30-28-124.5, adoption of the proposed changes to the Land Development Code is required.

ATTACHMENTS

Presentation slides

Redlines of LDC amendments

Clean version of LDC amendments

Colorado House Bill 26-1239

Planning Commission Resolution

EL PASO COUNTY
COLORADO



Planning Commission- October 15, 2026
Land Development Code Amendment (HB26-1239)

HB 26-1239

- Effective as of August 12, 2026, HB 26-1239 modifies Colorado law to enhance county enforcement authority for zoning violations. Existing enforcement procedures must be updated to reflect new legislation and comply with Colorado State Statute.

- Changes to the Land Development Code (LDC) are minimal. The largest impact of HB 26-1239 is to the authority of the courts.

LDC Amendments

The new legislation results in minimal changes to the internal enforcement procedures outlined in the LDC. Most notable changes to the Land Development Code include:

- Clarifies that issuance of a notice of violation must be based on personal knowledge of a violation and competent evidence acquired during a reasonable investigation.
- Requires the enforcement authority of the County to be added to notices of violation.
- Expands available legal remedies to include filing of an abatement action for zoning violations.

Key Updates to Court Authority

- Counties may pursue multiple remedies simultaneously.
- Liens may secure civil penalties, abatement costs, inspection fees, and collection penalties.
- Alternative service by posting and mailing allowed.
- Default judgements available if owner fails to appear.
- County or District court jurisdiction clarified.
- Comprehensive statewide civil penalty structure established with court ordered penalties up to $2,650/day
- Creates presumptive penalty tiers: first offense $500 max, second $1,000, third+ $2,650.
- County courts are now explicitly authorized to issue injunctions and enforcement orders for zoning, building, nuisance, and property enforcement matters.

Biggest Practical Shifts

Counties Gain Stronger Enforcement Tools

Before:

- Enforcement often relied on limited fines or slower nuisance procedures.

Now:

- Counties have integrated civil enforcement authority with:
  - injunctions,
  - daily penalties,
  - liens,
  - abatement authority,
  - and warrant-backed entry authority.

Enforcement More Court-Centered

Before:

- Many county (court) code issues were handled administratively.

Now:

- The bill formalizes court involvement for:
  - warrants,
  - penalties,
  - injunctions,
  - default judgments,
  - and liens.

Biggest Practical Shifts

Property Owners Face Greater Financial Risk

Before:

- Fines were often smaller and less standardized.

Now:

- Violations can:
  - accrue daily,
  - become liens,
  - be collected like taxes,
  - and result in county-performed abatement billed back to the owner.

Counties Receive Clearer Legal Procedures

Before:

- Enforcement practices varied significantly county-to-county

Now:

- The statute provides:
  - explicit service methods,
  - hearing timelines,
  - penalty standards,
  - and enforcement sequencing.



EL PASO COUNTY
COLORADO

Questions?

1.15. Definitions

Violator, Alleged — The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is ~~probable cause~~ competent evidence to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

11.1.4. Right to Inspect

(A) **General Provisions.** The PCD Director is hereby empowered to inspect any building, structure, real property, proposed right of way, or tract of land within or upon which there is reasonable cause to believe a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. Such inspections may include the following:

- ~~Observations of the property from those portions of the property which are open or accessible to the public, from public property, or from other private property for which permission to enter has been obtained from the owner or occupant.~~ Observations of the property will be made from public property, to include areas that are open and accessible to the public. Observations may also be made from private property in which the owner or occupant has granted permission to enter.
- Entry onto the property pursuant to a court order obtained after submitting a~~n~~ motion for an administrative ~~search~~ entry and seizure inspection which includes a sworn affidavit detailing facts to support a reasonable belief that a violation is likely to exist, and that further investigation of the premises is warranted.
- Entry onto the property in emergency situations in which the PCD Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
- Entry onto the property after receiving express permission from the alleged violator.

11.3. ZONING VIOLATIONS

11.3.1. Unlawful Acts

It is unlawful to use real property or improvements thereon; to develop real property, use any land in violation of any regulation, zoning regulation or ordinance, or to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance

with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

11.3.2. Enforcement Procedures

This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the BoCC, or the PCD Director through an executive determination, to address violations. Nothing in this Section shall prevent the BoCC, or the PCD Director through an executive determination, from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

(A) Notice of Violation~~ and Executive Determination~~. A written notice of violation shall be issued by the PCD Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists.

The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the PCD Director determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety, or welfare. The notice shall provide the enforcement authority of the county under Part E of this Section, including any potential liens related to abatement costs.

(B) Executive Determination. If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the PCD Director may issue an executive determination to the alleged violator authorizing the CAO to pursue remedies under Parts (E~~D~~)of this Section, subject to appeal as set forth below.

The ~~PCD Director~~executive determination shall be mailed to the~~ the executive determination to the~~ alleged violator in the same manner as the notice of violation. The executive determination shall ~~specify the~~specifically describe the nature of the violation and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator, to the BoCC prior to the CAO pursuing remedies under Parts (E)~~D)~~ of this Section. The executive determination shall provide the enforcement authority of the county under Part E of this Section.

The executive determination shall state that the alleged violator may appeal the PCD Director's decision to the BoCC. The alleged violator must submit an appeal in

writing to the PCD Director. Any written appeal must be received by the PCD Director within 10 days after the date of the executive determination. Any such appeals received beyond 10 days shall be deemed untimely.

If no appeal is received within 10 days after the date of the PCD Director's executive determination, then the PCD Director's executive determination shall be final and the CAO may proceed with litigation to seek remedies pursuant to Parts (E)~~(2). (3)~~ of this Section.

(C) **Appeal Hearing.** If the PCD Director receives a timely appeal from his or her executive determination as set forth in Part (B~~A~~), then the PCD Director shall place the matter on the BoCC's next available land use hearing agenda.

The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office no less than 5 days prior to the hearing.

At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show cause why further enforcement action should not be taken. The BoCC shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

At the conclusion of the appeal hearing, the BoCC may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the PCD Director to proceed with 1 or more of the enforcement mechanisms provided in Part (E~~D~~) below.

The appeal hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

(D~~B~~) **Revocation of Approvals and Permits.** If an alleged violator is in violation of the terms and conditions of a development application approval or development permit that was issued by the PCD without review by the Planning Commission or the BoCC, the PCD Director may revoke the development permit or development application approval. Notice of the revocation may be sent via first class mail to the ~~property owners~~alleged violator's mailing address as listed in the records of the Assessor's Office and to the mailing address of the property if one exists. Appeals of revocations may be taken to the BoCC pursuant to the procedures set forth in the Procedures Manual.

(E~~D~~) **Remedies.** The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the BoCC's authority to seek any other remedy available at law for violations of the Code:

(1) **Criminal Prosecution.** Only the BoCC may authorize the initiation of criminal prosecution for violations of the Code.

(2) **Injunction.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the CAO for the institution of an injunction, mandamus, ~~abatement,~~ or other appropriate action to prevent, enjoin, ~~abate,~~ or remove a violation or to otherwise restore the premises to the condition that existed before the violation, pursuant to state statute.

(3) **District or County Court Action for Civil Remedies.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the CAO for filing of a District or County Court action seeking the imposition of civil penalties and/or remedies pursuant to § C.R.S. 30-28-124 and § C.R.S. 30-28-124.5, as amended. ~~State statute.~~

(4) **Abatement.** The BoCC, or the PCD Director, through an executive determination, may refer the matter to the CAO for filing of an abatement action pursuant to§ C.R.S. 30-28-124 and § C.R.S. 30-28-124.5, as amended.

1.15. Definitions

Violator, Alleged — The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is competent evidence to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

11.1.4. Right to Inspect

(A) **General Provisions.** The PCD Director is hereby empowered to inspect any building, structure, real property, proposed right of way, or tract of land within or upon which there is reasonable cause to believe a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Code. Such inspections may include the following:

- Observations of the property will be made from public property, to include areas that are open and accessible to the public. Observations may also be made from private property in which the owner or occupant has granted permission to enter.
- Entry onto the property pursuant to a court order obtained after submitting a motion for an administrative entry and seizure inspection which includes a sworn affidavit detailing facts to support a reasonable belief that a violation is likely to exist, and that further investigation of the premises is warranted.
- Entry onto the property in emergency situations in which the PCD Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
- Entry onto the property after receiving express permission from the alleged violator.

11.3. ZONING VIOLATIONS

11.3.1. Unlawful Acts

It is unlawful to use real property or improvements thereon; to develop real property, use any land in violation of any regulation, zoning regulation or ordinance, or to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

11.3.2. Enforcement Procedures

This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the BoCC, or the PCD Director through an executive determination, to address violations. Nothing in this Section shall prevent the BoCC, or the PCD Director through an executive determination, from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

(A) Notice of Violation. A written notice of violation shall be issued by the PCD Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists.

The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the PCD Director determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety, or welfare. The notice shall provide the enforcement authority of the county under Part E of this Section, including any potential liens related to abatement costs.

(B) Executive Determination. If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the PCD Director may issue an executive determination to the alleged violator authorizing the CAO to pursue remedies under Parts (E)of this Section, subject to appeal as set forth below.

The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically describe the nature of the violation and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator, to the BoCC prior to the CAO pursuing remedies under Parts (E) of this Section. The executive determination shall provide the enforcement authority of the county under Part E of this Section.

The executive determination shall state that the alleged violator may appeal the PCD Director's decision to the BoCC. The alleged violator must submit an appeal in writing to the PCD Director. Any written appeal must be received by the PCD Director within 10 days after the date of the executive determination. Any such appeals received beyond 10 days shall be deemed untimely.

If no appeal is received within 10 days after the date of the PCD Director's executive determination, then the PCD Director's executive determination shall be final and the CAO may proceed with litigation to seek remedies pursuant to Parts (E) of this Section.

(C) **Appeal Hearing.** If the PCD Director receives a timely appeal from his or her executive determination as set forth in Part (B), then the PCD Director shall place the matter on the BoCC's next available land use hearing agenda.

The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office no less than 5 days prior to the hearing.

At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show cause why further enforcement action should not be taken. The BoCC shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

At the conclusion of the appeal hearing, the BoCC may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the PCD Director to proceed with 1 or more of the enforcement mechanisms provided in Part (E) below.

The appeal hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

(D) **Revocation of Approvals and Permits.** If an alleged violator is in violation of the terms and conditions of a development application approval or development permit that was issued by the PCD without review by the Planning Commission or the BoCC, the PCD Director may revoke the development permit or development application approval. Notice of the revocation may be sent via first class mail to the alleged violator’s mailing address as listed in the records of the Assessor's Office and to the mailing address of the property if one exists. Appeals of revocations may be taken to the BoCC pursuant to the procedures set forth in the Procedures Manual.

(E) **Remedies.** The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the BoCC's authority to seek any other remedy available at law for violations of the Code:

(1) **Criminal Prosecution.** Only the BoCC may authorize the initiation of criminal prosecution for violations of the Code.

(2) **Injunction.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the CAO for the institution of an injunction, mandamus, or other appropriate action to prevent, enjoin, or remove a violation or to

otherwise restore the premises to the condition that existed before the violation, pursuant to state statute.

(3) **District or County Court Action for Civil Remedies.** The BoCC, or the PCD Director through an executive determination, may refer the matter to the CAO for filing of a District or County Court action seeking the imposition of civil penalties and/or remedies pursuant to § C.R.S. 30-28-124 and § C.R.S. 30-28-124.5, as amended. .

(4) **Abatement.** The BoCC, or the PCD Director, through an executive determination, may refer the matter to the CAO for filing of an abatement action pursuant to§ C.R.S. 30-28-124 and § C.R.S. 30-28-124.5, as amended.



HOUSE BILL 26-1239

BY REPRESENTATIVE(S) Goldstein and Richardson, Bacon, Hamrick, Nguyen, Phillips, Stewart K., McCluskie, Paschal, Ricks;
also SENATOR(S) Mullica, Marchman, Roberts, Coleman.

CONCERNING MODIFICATIONS TO A COUNTY'S ENFORCEMENT AUTHORITY IN CONNECTION WITH PROPERTY IN THE COUNTY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-6-105, **amend** (1) introductory portion and (1)(f)(II); and **add** (1)(f)(II.5) as follows:

13-6-105. Specific limits on civil jurisdiction.

(1) The county court has no civil jurisdiction except THE JURISDICTION that IS specifically conferred upon it by law. In particular, ~~it~~ THE COUNTY COURT has no jurisdiction over the following matters:

(f) Original proceedings for the issuance of injunctions, except:

(II) As required to enforce restrictive covenants on residential property and to enforce section 6-1-702.5; ~~and~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II.5) AS PROVIDED IN SECTIONS 30-15-401, 30-28-124, AND 30-28-209; AND

SECTION 2. In Colorado Revised Statutes, 30-15-401, **amend** (1) introductory portion, (1)(a)(I), (1)(a)(I.5)(A), (1)(a)(I.5)(C), and (1)(q); and **add** (2)(d) as follows:

30-15-401. General regulations - definitions.

(1) In addition to ~~those~~ THE powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of ~~those~~ matters THAT ARE of purely local concern AND that are described in the following enumerated powers:

(a) (I) (A) To provide for and compel the removal of rubbish, including trash, junk, and garbage, from ~~lots and tracts of land~~ PROPERTY within the county except ~~industrial tracts of ten or more acres and~~ agricultural land currently in agricultural use as the term agricultural land is defined in section 39-1-102 (1.6), ~~C.R.S.,~~ and from ~~the alleys behind and from the sidewalk areas in front of such property at such time~~ ANY PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove ~~such~~ THE rubbish, and to assess the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE RUBBISH, including ~~five~~ TEN percent for inspection and other incidental costs in connection ~~therewith~~ WITH THE COST OF THE COUNTY'S REMOVAL OF THE RUBBISH, upon the ~~lots and tracts~~ PROPERTY from which ~~such~~ THE COUNTY HAS REMOVED THE rubbish. ~~has been removed~~ Ordinances passed by a board of county commissioners for the removal of rubbish pursuant to this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I)(A) MUST include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court ~~having~~ THAT HAS jurisdiction over the property from which THE COUNTY WILL REMOVE THE rubbish. ~~shall be removed.~~ Any assessment pursuant to this ~~sub-subparagraph (A) shall be~~ SUBSECTION (1)(a)(I)(A) IS a lien against ~~such lot or tract of land~~ THE PROPERTY until paid and ~~shall have~~ HAS priority

over all other liens except general taxes and prior special assessments. In A case ~~such~~ WHEN THE assessment is not paid within a reasonable time AS specified by ordinance, ~~it may be certified by~~ the clerk AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 this 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 BY THE COUNTY TREASURER pursuant to this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(I)(A).

(B) A county court or district court ~~having~~ THAT HAS jurisdiction over property from which THE COUNTY WILL REMOVE rubbish ~~shall be removed~~ pursuant to the ordinances authorized by ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A) OF THIS SECTION shall issue an administrative entry and seizure warrant for the COUNTY'S removal of ~~such~~ THE rubbish. ~~Such~~ THE COURT SHALL ISSUE THE warrant ~~shall be issued~~ upon A COUNTY'S presentation ~~by a county~~ TO THE COURT of ordinance provisions ~~which~~ THAT meet the requirements of ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A) OF THIS SECTION and a sworn or affirmed affidavit stating the factual basis for ~~such~~ THE warrant, evidence that the property owner has received notice of the violation and has failed to remove the rubbish within a reasonable prescribed period, ~~of time~~ a general description of the location of the property ~~which~~ THAT is the subject of the warrant, a general list of any rubbish to be removed from ~~such~~ THE property, and the proposed disposal or temporary impoundment of ~~such~~ THE rubbish, whichever the court deems appropriate. Within ~~ten~~ THIRTY days following the date of THE COURT'S issuance of an administrative entry and seizure warrant pursuant to ~~the provisions of~~ this ~~sub-subparagraph (B), such~~ SUBSECTION (1)(a)(I)(B), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant ~~shall be executed~~ in accordance with THE ISSUING COURT'S directions, ~~by the issuing court,~~ PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant ~~shall be provided or mailed~~ to the property owner, and SUBMIT TO THE COURT proof of the execution of ~~such~~ THE warrant, including a written inventory of any property impounded by the executing authority. ~~shall be submitted to the court by the executing authority.~~

(I.5) (A) To provide for and compel the removal of weeds and brush from ~~lots and tracts of land~~ PROPERTY within the county except agricultural land currently in agricultural use as the term agricultural land is defined in

section 39-1-102 (1.6), ~~C.R.S.,~~ and from ~~the alleys behind and from the sidewalk areas in front of such property at such time,~~ ANY PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove ~~such~~ THE weeds and brush, and to assess the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE WEEDS AND BRUSH, including ten percent for inspection and other incidental costs in connection ~~therewith~~ WITH THE COUNTY'S REMOVAL OF WEEDS AND BRUSH, upon the property from which ~~such~~ THE COUNTY HAS REMOVED weeds ~~have been removed~~ AND BRUSH. Ordinances passed by a board of county commissioners for the removal of weeds and brush pursuant to this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I.5)(A) MUST include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court ~~having~~ THAT HAS jurisdiction over the property from which THE COUNTY WILL REMOVE weeds and brush. ~~shall be removed.~~ Any assessment ASSESSED BY THE COUNTY pursuant to this ~~sub-subparagraph (A) shall be~~ SUBSECTION (1)(a)(I.5)(A) IS a lien against ~~such~~ THE property until paid and ~~shall have~~ HAS priority based on its date of recording. ~~A county shall not compel the removal of weeds and brush pursuant to this sub-subparagraph (A) upon any lot or tract of land within the county during such time that a mortgage or deed of trust secured by the lot or tract of land is being foreclosed upon~~

(C) A county court or district court ~~having~~ THAT HAS jurisdiction over property from which THE COUNTY WILL REMOVE weeds and brush ~~shall be removed~~ pursuant to the ordinances authorized by ~~sub-subparagraph (A) of this subparagraph (I.5)~~ SUBSECTION (1)(a)(I.5)(A) OF THIS SECTION shall issue an administrative entry and seizure warrant for the COUNTY'S removal of ~~such~~ THE weeds and brush. ~~Such~~ THE COURT SHALL ISSUE THE warrant ~~shall be issued~~ upon A COUNTY'S presentation ~~by a county~~ TO THE COURT of ordinance provisions ~~which~~ THAT meet the requirements of ~~sub-subparagraph (A) of this subparagraph (I.5)~~ SUBSECTION (1)(a)(I.5)(A) OF THIS SECTION and a sworn or affirmed affidavit stating the factual basis for ~~such~~ THE warrant, evidence that the property owner has received notice of the violation and has failed to remove the weeds and brush within a reasonable prescribed period, ~~of time~~ a general description of the location of the property ~~which~~ THAT is the subject of the warrant, and the proposed

disposal of ~~such~~ THE weeds and brush. Within ~~ten~~ THIRTY days following the date of THE COURT'S issuance of an administrative entry and seizure warrant pursuant to ~~the provisions of~~ this ~~sub-subparagraph (C) such~~ THIS SUBSECTION (1)(a)(I.5)(C), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant ~~shall be executed~~ in accordance with directions by the issuing court, PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant ~~shall be provided or mailed~~ to the property owner, and SUBMIT TO THE COURT proof of the execution of ~~such~~ THE warrant. ~~shall be submitted to the court by the executing authority~~

(q) (I) To provide for and compel the removal OR SECURING of any building or structure, except for a building or structure on affected land subject to the "Colorado Mined Land Reclamation Act", as the term "affected land" is defined in ~~section 34-32-103 (1.5), C.R.S.,~~ SECTIONS 34-32-103 (1.5) AND 34-32.5-103 (1), or on lands subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to article 33 of title 34, ~~C.R.S.,~~ the condition of which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind ~~which~~ THAT is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or ~~which~~ THAT becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, at such time, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including the removal OR SECURING performed by the county upon notice to and failure of the property owner to remove ~~such~~ OR SECURE THE building or structure, and to assess the whole cost of ~~such~~ THE removal OR SECURING, including incidental costs and a reasonable fee for inspection ~~which fee~~ THAT shall not exceed ~~five~~ TEN percent of the total amount due in connection ~~therewith~~ WITH THE REMOVAL OR SECURING OF THE BUILDING OR STRUCTURE, upon the property from which such building or structure has been removed OR SECURED. ORDINANCES PASSED BY A BOARD OF COUNTY COMMISSIONERS FOR THE REMOVAL OR SECURING OF ANY BUILDING OR STRUCTURE PURSUANT TO THIS SUBSECTION (1)(q)(I) MUST INCLUDE PROVISIONS FOR THE COUNTY APPLYING FOR AND EXERCISING AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT ISSUED BY A COUNTY OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FROM WHICH THE BUILDING IS REMOVED OR SECURED.

(II) Any assessment pursuant to this ~~paragraph (q) shall be~~

SUBSECTION (1)(q) IS a lien against ~~such~~ THE property until paid. If ~~such~~ THE assessment is not paid within a reasonable time as specified by ordinance, ~~it may be certified by~~ the clerk and recorder OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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.

(III) A COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER PROPERTY FROM WHICH A BUILDING OR STRUCTURE IS REMOVED OR SECURED PURSUANT TO THE ORDINANCES AUTHORIZED BY SUBSECTION (1)(q)(I) OF THIS SECTION SHALL ISSUE AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT FOR THE REMOVAL OR SECURING OF THE BUILDING OR STRUCTURE. THE COURT SHALL ISSUE THE WARRANT UPON A COUNTY'S PRESENTATION OF ORDINANCE PROVISIONS THAT MEET THE REQUIREMENTS OF THIS SUBSECTION (1)(q)(III) AND A SWORN OR AFFIRMED AFFIDAVIT STATING THE FACTUAL BASIS FOR THE WARRANT, EVIDENCE THAT THE PROPERTY OWNER HAS RECEIVED NOTICE OF THE VIOLATION AND HAS FAILED TO REMOVE OR SECURE THE BUILDING OR STRUCTURE WITHIN A REASONABLE PRESCRIBED TIME, A GENERAL DESCRIPTION OF THE LOCATION OF THE PROPERTY THAT IS THE SUBJECT OF THE WARRANT, A GENERAL DESCRIPTION OF THE BUILDING OR STRUCTURE TO BE REMOVED FROM PROPERTY OR SECURED, AND THE PROPOSED DISPOSAL OR TEMPORARY IMPOUNDMENT OF REMNANTS OF THE BUILDING OR STRUCTURE, WHICHEVER THE COURT DEEMS APPROPRIATE. WITHIN THIRTY DAYS FOLLOWING THE DATE OF THE COURT'S ISSUANCE OF AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT PURSUANT TO THIS SUBSECTION (1)(q)(III), THE EXECUTING AUTHORITY SHALL EXECUTE THE WARRANT IN ACCORDANCE WITH DIRECTIONS BY THE ISSUING COURT, PROVIDE OR MAIL A COPY OF SUCH ISSUED WARRANT TO THE PROPERTY OWNER, AND SUBMIT TO THE COURT PROOF OF THE EXECUTION OF THE WARRANT, INCLUDING A WRITTEN INVENTORY OF ANY PROPERTY IMPOUNDED BY THE EXECUTING AUTHORITY.

(2) (d) IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, A COUNTY MAY ENFORCE ORDINANCES ENACTED PURSUANT TO SUBSECTIONS (1)(a)(I), (1)(a)(I.5), (1)(a)(V)(A), AND (1)(q) OF THIS SECTION AS FOLLOWS:

(I) TO PROCEED WITH AN ACTION PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE COUNTY SHALL PROVIDE WRITTEN NOTICE TO THE PROPERTY OWNER OF THE VIOLATION AND THE TIME IN WHICH THE VIOLATION MUST BE REMEDIED. THE WRITTEN NOTICE MUST DESCRIBE ANY

POTENTIAL ENFORCEMENT AUTHORITY OF THE COUNTY, INCLUDING ANY POSSIBLE LIENS DUE TO ABATEMENT COSTS.

(II) IF, AFTER THE COUNTY HAS GIVEN WRITTEN NOTICE TO THE PROPERTY OWNER AS DESCRIBED IN SUBSECTION (2)(d)(I) OF THIS SECTION, THE PROPERTY OWNER FAILS TO ABATE THE VIOLATIONS DESCRIBED IN THE NOTICE, THE PROPERTY OWNER VIOLATING THE COUNTY ORDINANCE SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO THE IMPOSITION OF, BY ORDER OF THE COUNTY OR DISTRICT COURT, A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER DAY OF THE VIOLATION. THE CIVIL PENALTY MUST BE IN ACCORDANCE WITH THE COUNTY ORDINANCE. EACH DAY THAT A VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE AND THE PENALTY CONTINUES UNTIL THE VIOLATION IS REMEDIED. UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COUNTY OR DISTRICT COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (2)(d)(II) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IN CASE THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE LACK OF PAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(d)(II). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (2)(d)(II) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(III) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER

THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO ON THE FOLLOWING FACTORS:

(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(IV) IN ADDITION TO THE CIVIL PENALTIES ORDERED BY A COURT PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY ATTORNEY MUST SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH

APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS A MEANS OF PROVIDING ALTERNATIVE SERVICE. IF THE COUNTY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR RELIEF PROVIDED FOR IN THIS SUBSECTION (2)(d)(IV), ANY STATEMENT OF THE COUNTY IN SUPPORT OF THE RELIEF PROVIDED FOR IN THIS SUBSECTION (2)(d)(IV), AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(d)(IV) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(V) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT ARE A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAVE PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE COUNTY ATTORNEY OR COUNTY CLERK MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT THIS SUBSECTION (2)(d)(V).

(VI) FOR PURPOSES OF SUBSECTION (2)(d)(II) OF THIS SECTION,

"PROPERTY OWNER" DOES NOT INCLUDE A STATE AGENCY.

SECTION 3. In Colorado Revised Statutes, 30-15-402, **amend** (1) as follows:

30-15-402. Violations - penalty - surcharges - victim and witness assistance - brain injury trust fund.

(1) EXCEPT FOR A TRAFFIC OFFENSE, any person who violates any county ordinance adopted BY THE BOARD OF COUNTY COMMISSIONERS pursuant to this part 4 commits a civil infraction ~~or, in the case of traffic offenses, commits a traffic infraction,~~ and, upon conviction ~~thereof~~ OF THAT INFRACTION, shall be punished by a fine of not more than one thousand dollars for each separate violation. IN THE CASE OF A TRAFFIC OFFENSE, THE PERSON THAT COMMITS A TRAFFIC INFRACTION, UPON CONVICTION OF THAT INFRACTION, SHALL BE PUNISHED BY A FINE IN ACCORDANCE WITH APPLICABLE COUNTY OR STATE LAW. If authorized by the county ordinance, AN ARRESTING LAW ENFORCEMENT OFFICER MAY FOLLOW the penalty assessment procedure provided in section 16-2-201 ~~may be followed by any arresting law enforcement officer~~ for any such violation. As part of ~~said~~ THE county ordinance authorizing the penalty assessment procedure FOR A VIOLATION OF A COUNTY ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THIS PART 4, the board of county commissioners may adopt a graduated fine schedule for ~~such~~ THE violations. ~~Such~~ THE graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718 ~~shall~~ apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance ~~shall be~~ IS paid to the county.

SECTION 4. In Colorado Revised Statutes, **amend** 30-28-124 as follows:

30-28-124. Penalties and enforcement.

(1) (a) It is unlawful to erect, construct, reconstruct, ~~or~~ alter, OR USE any building or structure OR USE ANY LAND in violation of any regulation in, or of any provisions of, any zoning resolution OR ORDINANCE, or any amendment thereof, enacted or adopted by the board of county

commissioners under the authority of this part 1. Any person, firm, or corporation ~~violating~~ THAT VIOLATES any such regulation, provision, or amendment thereof, or any provision of this part 1 ~~commits a civil infraction~~ SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY OR DISTRICT COURT, OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day ~~during which such illegal erection, construction, reconstruction, or alteration continues shall be~~ THAT A VIOLATION OCCURS IS deemed a separate offense AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

(b) (I) ~~It is unlawful to use any building, structure, or land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereto, enacted or adopted by any board of county commissioners under the authority of this part 1. Any person, firm, or corporation violating any such regulation, provision, or amendment commits a civil infraction. Each day during which such illegal use of any building, structure, or land continues shall be deemed a separate offense.~~

(II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (1)(b)(II), a county zoning official authorized pursuant to section 30-28-114 WHO has personal knowledge of any violation of this ~~paragraph (b), he or she~~ SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION shall give written notice to the violator to correct the violation within ten days after the date of the notice. ~~Should~~ IF the violator ~~fail~~ FAILS to correct the violation within the ten-day period, ~~the~~ ANY DESIGNATED COUNTY zoning official may ISSUE, OR request that the sheriff of the county 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 the charge to the violator. The summons and complaint ~~shall~~ MUST require that the violator appear in county OR DISTRICT court at a definite time and place stated ~~therein~~ IN THE SUMMONS AND COMPLAINT to answer and defend the charge.

(III) ~~One copy of said summons and complaint shall be served upon the violator by the sheriff of the county in the manner provided by law for the service of a criminal summons. One copy each shall be retained by the sheriff and the county zoning official, and one copy shall be transmitted by the sheriff to the clerk of the county court.~~

(IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(c) It is the responsibility of the county attorney to enforce the provisions of this subsection (1); ~~In the event that~~ EXCEPT THAT IF there is ~~no~~ NOT A county attorney or ~~in the event that~~ IF the board of county commissioners deems it appropriate, the board of county commissioners may appoint the district attorney of the judicial district to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO, ON THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF ANY REGULATION OR PROVISION OF A ZONING ORDINANCE OR 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 THIS SUBSECTION (1). THE PENALTY IS PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE COUNTY AS DESIGNATED IN THE ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO.

(f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(2) (a) ~~In case~~ IF 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 regulation or provision of any zoning ORDINANCE OR resolution, or amendment thereto, enacted or adopted by any board of county commissioners under the authority granted by this part 1, the county attorney of the county in which ~~such~~ THE building, structure, or land is situated, in addition to other remedies provided by law,

may institute an injunction, mandamus, abatement, or other appropriate action ~~or proceeding~~ IN COUNTY OR DISTRICT COURT to prevent, enjoin, abate, or remove ~~such~~ THE unlawful erection, construction, reconstruction, alteration, or use. ~~In the event that~~ IF there is ~~no~~ NOT A county attorney or ~~in the event~~ IF that the board of county commissioners deems it appropriate, the board of county commissioners may appoint the district attorney of the judicial district to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(b) IN ADDITION TO THE CIVIL PENALTIES ALLOWED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT OR TO ENJOIN THE PROPOSED USE OF THE LAND. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY ATTORNEY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE

PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN A REASONABLE TIME SPECIFIED BY THE ZONING RESOLUTION, THE COUNTY ATTORNEY OR COUNTY CLERK MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(c) OF THIS SECTION.

(3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT, ALTER, OR USE ANY BUILDING OR STRUCTURE OR USE ANY LAND IN VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, ANY ZONING ORDINANCE OR RESOLUTION, OR ANY AMENDMENT THEREOF, ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE AUTHORITY OF THIS PART 1. ANY PERSON, FIRM, OR CORPORATION THAT VIOLATES ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF, OR ANY PROVISION OF THIS PART 1 COMMITS A CIVIL INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO THREE THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME

INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS DEEMED A SEPARATE OFFENSE, AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

(b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (3), A COUNTY ZONING OFFICIAL AUTHORIZED PURSUANT TO SECTION 30-28-114 WHO HAS PERSONAL KNOWLEDGE OF ANY VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE VIOLATION WITHIN THE TEN-DAY PERIOD, ANY DESIGNATED ZONING PERSONNEL MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED IN THE SUMMONS AND COMPLAINT TO ANSWER AND DEFEND THE CHARGE.

(II) DESIGNATED ZONING PERSONNEL OR THE SHERIFF SHALL SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION. THE DESIGNATED ZONING PERSONNEL OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES OF CIVIL PROCEDURE. IF THE DESIGNATED ZONING PERSONNEL OR THE SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE SUMMONS AND COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL TRANSMIT ONE COPY OF EACH TO THE CLERK OF THE COUNTY COURT.

(c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE

ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2), OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

SECTION 5. In Colorado Revised Statutes, **amend** 30-28-209 as follows:

30-28-209. Penalties and enforcement.

(1) (a) It is unlawful to erect, construct, reconstruct, or alter any building or structure OR USE ANY BUILDING OR STRUCTURE in a manner that results in a violation of any regulation in, or of any provisions of, the area building code, or any amendment thereof, enacted or adopted by the board of county commissioners under the authority of this part 2. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof, or any provision of this part 2, ~~commits a civil infraction~~ SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY COURT OR THE DISTRICT COURT, OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day during which such illegal erection, construction, reconstruction, or alteration continues ~~shall be~~ IS deemed a separate offense AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION (1)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED.

(b) (I) ~~It is unlawful to use any building or structure in violation of any regulation in, or of any provision of, the area building code, or any~~

~~amendment thereto, enacted or adopted by any board of county commissioners under the authority of this part 2. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof commits a civil infraction. Each day during which such illegal use of any building or structure continues shall be deemed a separate offense. Nothing in this subsection (1)(b)(I) prohibits the use of any building or structure in violation of an otherwise applicable building code where the use complies with any building code that was in effect at the time the building or structure was erected, constructed, reconstructed, or altered.~~

(II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (1)(b)(II), a county building inspector authorized pursuant to sections 30-28-114 and 30-28-205, or any inspector employed by an intergovernmental entity created in accordance with the requirements of part 2 of article 1 of title 29, ~~C.R.S.,~~ who exercises the functions of a county building inspector WHO has personal knowledge of any violation of the requirements of ~~subparagraph (I) of this paragraph (b), he or she~~ THIS SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION shall give written notice to the violator to correct the violation within ten days after the date of the notice. ~~Where~~ IF the violator fails to correct the violation within the ten-day period, the county building inspector may ISSUE, OR request that the sheriff of the county 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 the charge to the violator. The summons and complaint ~~shall~~ MUST require that the violator appear in county OR DISTRICT court at a definite time and place stated therein to answer and defend the charge.

(III) ~~One copy of the summons and complaint shall be served upon the violator by the sheriff of the county in the manner provided by law for the service of a criminal summons. One copy each shall be retained by the sheriff and the county building inspector, and one copy shall be transmitted by the sheriff to the clerk of the county court.~~

(IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(c) It is the responsibility of the county attorney to enforce the provisions of this subsection (1); ~~Where~~ EXCEPT THAT IF there is ~~no~~ NOT A

county attorney or ~~in the event that~~ IF the board of county commissioners deems it appropriate, the board may appoint the district attorney of the judicial district in which the building or structure is located to perform such enforcement duties in lieu of the county attorney.

(d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY BUILDING CODE, OR AMENDMENT THERETO, ON THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE BUILDING CODE, 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 THIS SUBSECTION (1). THE PENALTY IS PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE COUNTY AS DESIGNATED IN THE BUILDING CODE ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO.

(f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(2) (a) ~~In case~~ IF any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, or used in violation of any regulation or provision of the area building code, or amendment thereto, enacted or adopted by any board of county commissioners under the authority granted by this part 2, the county attorney of the county in which ~~such~~ THE building, structure, or land is situated, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove ~~such~~ THE unlawful erection, construction, reconstruction, alteration, or use. ~~Where~~ IF there is ~~no~~ NOT A county attorney or ~~in the event that~~ IF the board deems it appropriate, the board may appoint the district attorney of the judicial district in which the building or structure is located to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(b) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER OR INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY PROVIDES ALTERNATE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN A REASONABLE TIME SPECIFIED BY THE RESOLUTION OR ORDINANCE ADOPTING THE BUILDING CODE, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(c).

(3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT, ALTER, OR USE ANY BUILDING OR STRUCTURE IN A MANNER THAT RESULTS IN A VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, THE AREA BUILDING CODE, OR ANY AMENDMENT THEREOF, ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE AUTHORITY OF THIS PART 2. ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF, OR ANY PROVISION OF THIS PART 2, COMMITS A CIVIL INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION (3)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED.

(b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (3), A COUNTY BUILDING INSPECTOR AUTHORIZED PURSUANT TO SECTIONS

30-28-114 AND 30-28-205, OR ANY INSPECTOR EMPLOYED BY AN INTERGOVERNMENTAL ENTITY CREATED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 1 OF TITLE 29, WHO EXERCISES THE FUNCTIONS OF A COUNTY BUILDING INSPECTOR WHO HAS PERSONAL KNOWLEDGE OF ANY VIOLATION OF THIS REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE VIOLATION WITHIN THE TEN-DAY PERIOD, THE AUTHORIZED COUNTY BUILDING INSPECTOR MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED THEREIN TO ANSWER AND DEFEND THE CHARGE.

(II) AN AUTHORIZED BUILDING INSPECTOR OR THE SHERIFF SHALL SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION ON THE VIOLATOR. AN AUTHORIZED BUILDING INSPECTOR OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES OF CIVIL PROCEDURE. IF AN AUTHORIZED BUILDING INSPECTOR OR SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE SUMMONS AND THE COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL TRANSMIT ONE COPY EACH TO THE CLERK OF THE COUNTY COURT.

(c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND THE

RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2), OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

SECTION 6. In Colorado Revised Statutes, 30-35-201, **amend** the introductory portion and (44) as follows:

30-35-201. Powers of governing bodies.

The governing body of a home rule county ~~shall exercise such~~ EXERCISES THE duties and authority and ~~shall have~~ HAS all the powers and responsibilities as provided by law for governing bodies of counties not adopting a home rule charter and ~~shall also have~~ ALSO HAS all of the following powers that have been included in the county's home rule charter or in any amendment thereto, pursuant to the provisions of section 30-35-103 (1):

(Ordinance Power)

(44) **Power and penalties.** To pass all ordinances and rules and make all regulations proper or necessary to carry into effect the powers granted to home rule counties, with ~~such~~ fines and penalties ~~as~~ THAT the governing body ~~shall deem~~ DEEMS proper, but no fine or penalty shall exceed ~~three hundred dollars~~ THE MAXIMUM FINE OR PENALTY ESTABLISHED UNDER STATE LAW and no imprisonment shall exceed ninety days for one offense;

SECTION 7. In Colorado Revised Statutes, **amend** 35-4-114 as follows:

35-4-114. Penalties.

(1) (a) Except for sections 35-4-107 and 35-4-110.5, any person who violates any of the provisions of this article 4 commits a civil infraction.

The commissioner or a board of county commissioners may refer such cases to the district attorney of the county in which ~~such~~ THE violation is alleged to have occurred for such action as may be deemed necessary. The conviction of a violation of any of the provisions of this article 4 ~~shall be~~ IS cause for revocation of any certificate, permit, or appointment issued under this article 4.

(b) THE SHERIFF OR COUNTY ATTORNEY, AT THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS, MAY ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED IN THE SUMMONS TO ANSWER AND DEFEND THE CHARGE.

(c) IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (1) AND THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (1) CONTROLS.

(2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY IN SUBSECTION (1) OF THIS SECTION, ANY PERSON WHO VIOLATES THIS ARTICLE 4, EXCEPT FOR SECTIONS 35-4-107 AND 35-4-110.5, SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY OR DISTRICT COURT, OF CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. EACH DAY THE VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(b) IF THE COURT FINDS, BY A PREPONDERANCE OF THE EVIDENCE, THAT A VIOLATION HAS OCCURRED, THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (2). THE PENALTY SHALL BE PAYABLE IMMEDIATELY BY THE

VIOLATOR TO THE COUNTY TREASURER.

(c) THE MINIMUM CIVIL PENALTY FOR A VIOLATION OF THIS ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(d) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED UNDER THIS SUBSECTION (2) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (2) SHALL BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

SECTION 8. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 35-5.5-118.5 as follows:

35-5.5-118.5. Local enforcement - civil infraction - civil penalty - injunction - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "VIOLATION" MEANS A VIOLATION OF THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING THIS ARTICLE 5.5.

(2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER PURSUANT TO SECTION 35-5.5-118, A PERSON WHO VIOLATES THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING THIS ARTICLE 5.5 COMMITS A CIVIL INFRACTION. THE COUNTY ATTORNEY FOR THE COUNTY WHERE THE VIOLATION OCCURS SHALL ENFORCE CIVIL INFRACTIONS PURSUANT TO THIS SUBSECTION (2)(a) BY PROSECUTION. IF THERE IS A CONFLICT BETWEEN THIS SECTION AND THE COLORADO RULES OF CIVIL INFRACTIONS, THIS SECTION CONTROLS. EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE OFFENSE.

(b) AS USED IN THIS SUBSECTION (2), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(3) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER PURSUANT TO SECTION 35-5.5-118 AND THE COUNTY ATTORNEY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, A DISTRICT COURT OR COUNTY COURT, UPON A FINDING BY A PREPONDERANCE OF THE

EVIDENCE THAT A VIOLATION OCCURRED OR IS OCCURRING, SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY OF NO LESS THAN ONE HUNDRED DOLLARS AND NO MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. EACH DAY DURING WHICH A VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE. THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(b) (I) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(II) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT 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 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (3). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SECTION SHALL BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(4) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE

COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, ANY STATEMENT OF THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(5) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SECTION; EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, IN LIEU OF THE COUNTY ATTORNEY.

(6) EXCEPT FOR ANY SURCHARGES OR COURT COSTS COLLECTED BY A COURT, ANY FINES OR PENALTIES SHALL BE PAID TO THE COUNTY TREASURER.

(7) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, IT IS WITHIN THE DISCRETION OF A COUNTY ATTORNEY TO DETERMINE WHETHER TO PURSUE AN ENFORCEMENT ACTION PURSUANT TO THIS SECTION OR TO PURSUE ANOTHER REMEDY AVAILABLE UNDER THE LAW.

SECTION 9. In Colorado Revised Statutes, **repeal** 30-28-124.5 and 30-28-210.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Friday May 29th 2026 at 10:15am
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

AMENDMENT TO THE LAND DEVELOPMENT CODE (RECOMMEND APPROVAL)

MR MORAES moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. LDC264
EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
ENFORCEMENT PROCEDURES AND LEGAL REMEDIES

WHEREAS, the Planning and Community Development Department of El Paso County, Colorado, requests approval of Amendments as represented on attached Exhibit "A";

WHEREAS, a public hearing was held by this Commission on October 15, 2026; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission members during the hearing, this Commission finds as follows:

1. The proposed Amendments to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission;

2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission;

3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing;

4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were recieved into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends that the proposed Amendments of the El Paso County Land Development Code, as described above and including any other conforming amendments throughout the Code as presented at the public hearing, represented within the attached Exhibit A, be approved by the Board of County Commissioners.

BE IT FURTHER RESOLVED that, in the case of any inconsistency with these Amendments and any previous Zoning Regulations, these revision(s) shall prevail.

BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein shall be forwarded to the El Paso County Board of County Commissioners for its consideration.

Mr Bailey seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	(aye) / no / non-voting / recused / absent
Blaine Brew	aye / no / non-voting / recused / (absent)
Michael Brewer	aye / no / non-voting / recused / (absent)
Sarah Brittain Jack	aye / no / non-voting / recused / (absent)
Jim Byers	(aye) / no / non-voting / recused / absent
Suzanne Casagrande	aye / no / non-voting / recused / (absent)
Mae Emrick	(aye) / no / non-voting / recused / absent
Eric Moraes	(aye) / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / (absent)
Timothy Trowbridge	(aye) / no / non-voting / recused / absent
Christopher Whitney	(aye) / no / non-voting / recused / absent
Jason Wulf	(aye) / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 15 day of October 2026 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

- Land Development Code redlines
- Land Development Code clean version

RESOLUTION NO. 26-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
ENFORCEMENT PROCEDURES AND LEGAL REMEDIES

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) to Chapter 1, Section 1.15 Definitions and Chapter 11, Sections 11.4.1 Right to Inspect and 11.3 Zoning Violations of the Land Development Code as herein described, including other conforming amendments throughout the Code; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 15, 2026, upon which date the Planning Commission did by formal resolution recommend approval of the proposed amendments; and

WHEREAS, a public hearing was held by this Board on November 12, 2026; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code was properly submitted for consideration by the Planning Commission;

2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission;

3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing;

4. All data, surveys, analyses, and studies, as required by the State of Colorado and El Paso County have been submitted, reviewed, and received into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code;

5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendment(s) to Chapter 1, Section 1.15 Definitions and Chapter 11, Sections 11.4.1 Right to Inspect and 11.3 Zoning Violations of the El Paso County Land Development Code, including other conforming amendments throughout the Code, as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 12th day of November, 2026, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

- Land Development Code Redlines
- Land Development Code Clean