



Part I

Section 7

Enforcement of the Zoning Regulations



PART I, SECTION 7: ENFORCEMENT OF THE ZONING REGULATIONS

A. INTENT

The Elbert County Zoning Regulations shall be enforced by the Elbert County Community and Development Services Director and his authorized representative(s) on all matters involving these Regulations. The Community and Development Services Director shall consult with the County Attorney and Building Official and other affected County offices concerned with, but not limited to, the unlawful erection, construction, altering, occupancy or use of any building or structure or land in the unincorporated areas of the County.

B. INSPECTIONS

The Community and Development Services Director and/or Building Official and their authorized representative(s), are hereby empowered to enter and inspect any building, structure or tract of land in the unincorporated area of the county. When a violation is alleged, the Community and Development Services Director and/or Building Official shall compile, or cause to be compiled, relevant evidence of the alleged violation. Whenever the Community and Development Services Director or Building Official has personal knowledge of any violation hereof, one shall give written notice to the violator to correct such violations.

After appropriate notice(s) has (have) been served by the Community and Development Services Director and/or Building Official, the Community and Development Services Director shall then forward the file, or copy thereof, to the County Attorney for further action. The Community and Development Services Director shall be advised of any actions taken. Any action brought to remedy or prosecute a violation shall be brought in the name of the Board of County Commissioners of Elbert County, Colorado or the People of the State of Colorado. The Board of County Commissioners may authorize the Building Department to withhold issuance of building permits where a violation is found to exist pursuant to CRS, 1973, 30-28-114, as amended.

C. BUILDING PERMITS

It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated areas of Elbert County without first obtaining a building permit from the County Building Official or his authorized representative.

The County Building Department shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all applicable provisions of these regulations and the Uniform Building Code.

All building permits shall be issued in conformance with the provisions of the Elbert County Zoning Regulations and the Uniform Building Code and shall be valid for a period of time not exceeding one (1) year from the date issued.



D. ZONING INSPECTION

The Community and Development Services Director shall assign the responsibilities for zoning inspections to one or more members of his staff who shall be able to respond to zoning complaints and make regular inspections of properties in Elbert County. The procedure for responding to zoning complaints and processing by the Community and Development Services Director shall be developed by Community and Development Services and then reviewed and approved by the County Attorney.

E. LIABILITY

The Community and Development Services Director and/or Building Official or their authorized representative(s) charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may occur to persons or property as a result of any act or by reason of an act or omission in the discharge of his duties. Any suit brought against the Community and Development Services Director and/or Building Official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the regulation enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this regulation or any certificates of inspection issued under this regulation.