

# Ordinance of Fines for Code Violations

(Land use violation section not yet implemented.)

## Notes and criticisms of the new (proposed) fine schedule:

NEW FINE SCHEDULE ORDINANCE (TANDEM TO THE CODE BUT NOT IN THE CODE) p2

- With the the proposed change in the land use code from purely complaint based to "in the course of their duties and activities" (active enforcement), fines become potentially much more prevalent (chapter 13)
- Land use code update includes language that a lien can be put on your property for non-payment of fines, and the property can be foreclosed on for non-payment of the lein. (page 130-132)
- Appeals for things like foreclosure (but not fines) in the code are proposed to be reduced from 30 days to 10 days for an appeal. (chapter 9)
- On Jan 3rd the county commissioners adopted an edited version of this ordinance for only the junk/rubbish but NOT the part applying to the land use code, because the county attorney pointed out that the land use code update was delayed and not yet adopted, and minutes of the meetings state that they plan to adopt the full text with fines applying to violations of the updated land use code after the 2023 update is adopted.

- This 100% originated from the compliance officer, he did the research and pushed it forward, because he needed an easier way to write people fines and wants to be writing more fines.
- It was buried on page 258 of the agenda for one of the December county commissioner meetings.
- No warning required before a fine
- No avenue for appeal, review or due process
- Compliance officer could write you 20 violations on one day valid or not (many residents report already getting violations that were bogus for things that were grandfathered prior to the code or simply aren't in the existing code book), and 17 of those 20 fines would \$1000 each, total fines would be \$18,850.
- You could get three fines in one day, and then 10 years later get a fine for something totally different, even on a different property, and it would stay at \$1000 per violation.
- No longer requires the county attorney, it is at the whim or mood of the compliance officer that day and much easier to write fines. No appeal or recourse in the ordinance for fines. Current violations are being interpreted in the strictest possible reading of the code.

**Resolution (ordinance) of new fines  
schedule images below:**

RESOLUTION  
OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF THE  
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2022-R-\_\_\_\_

**RESOLUTION AUTHORIZING PENALTY ASSESSMENT PROCEDURE FOR  
VARIOUS VIOLATIONS AS PROVIDED IN C.R.S. § 16-2-201 INCLUDING A  
GRADUATED FINE SCHEDULE**

WHEREAS, pursuant to § 30-15-401, C.R.S., the Board of County Commissioners of Delta County, Colorado (hereinafter the "Board") has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, § 30-15-402(1), C.R.S., authorizes a penalty assessment procedure for violations of Ordinances adopted pursuant to C.R.S. Title 30, Article 15, Part 4. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual.

WHEREAS, § 30-28-124, C.R.S. was recently amended with the enactment of SB 21-271 which reclassified zoning violations as civil infractions.

WHEREAS, The Board recently amended the Delta County Land Use Code to authorize a penalty assessment procedure for certain violations of the Land Use Code. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County as follows:

1. The Board hereby adopts the following Penalty Assessment and Graduated Fine Schedule:

Ordinance 2022-01 Prohibiting the Accumulation of Rubbish (Junk) within Delta County

First offense	\$100
Second offense	\$250
Third offense	\$500
Fourth and subsequent offense	\$1000

Delta County Land Use Code – Zoning Resolution offense

First offense	\$100
Second offense	\$250
Third offense	\$500
Fourth and subsequent offense	\$1000

ADOPTED this 20<sup>th</sup> day of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF DELTA COUNTY, COLORADO

By: \_\_\_\_\_  
Don Suppes, Chair

ATTEST:

\_\_\_\_\_  
Teri A. Stephenson  
Delta County Clerk and Recorder

\_\_\_\_\_  
Wendell Koontz, Vice Chair

[SEAL]

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Mike Lane, Commissioner