

**Chapter 17.55**  
**ENFORCEMENT**

**SECTIONS:**

- 17.55.010 Purpose and Authority**
- 17.55.020 Violations**
- 17.55.030 Enforcement and Penalties**

**17.55.010 PURPOSE AND AUTHORITY**

This Chapter established procedures by which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. This Chapter also sets forth remedies and penalties that apply to violations of this Code.

**17.55.020 VIOLATIONS**

- A. After the effective date of this Title, any person who knowingly erects, constructs, reconstructs, uses or alters any building, structure or land or who knowingly subdivides or uses any land in violation of this Title commits a Class B municipal offense. Any person who violates any provision of this Title shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Title are committed, continued or permitted. Nothing in this Section shall be construed to prevent the city from pursuing any other remedies it may have for violations of this Title.
- B. In case any building or structure is proposed to be erected, constructed, reconstructed, altered, moved, or used or any land is proposed to be subdivided or used in violation of this Title, the city, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate, or remove the violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act or use.
- C. In addition to the other enforcement provisions in this Title, the city may exercise any and all enforcement powers granted to it by State Law, including without limitation to Section 31-23-308 C.R.S., (Enforcement of Zoning Ordinance), Section 24-67-106 C.R.S., (Enforcement of Planned Unit Development Plan), and Section 31-23-215 C.R.S. (Subdivision Enforcement).
- D. Any land development permit granted under this Title may be revoked, following public hearing, upon the determination that one (1) or more of any conditions or requirements contained in the land development permit, including any conditions set forth pursuant to subsection 17.01.040(F) has been violated. In the event the Community Development Director has reasonable cause to believe that one (1) or more conditions or requirements of the land development permit has been violated, the Community Development Director shall serve the record owner of the property subject to the land development permit and the holder of such permit if other than the owner, in person or by certified mail, return

receipt requested, a notice to show cause why the land development permit should not be revoked and any vested property rights related thereto forfeited. Such notice shall state the date, time and place for a public hearing at which the City Council will consider whether the land development permit should be revoked. The notice shall also set forth a concise statement of the grounds for revocation. The notice shall be served at least fifteen (15) days prior to the date of the hearing. The public hearing shall be conducted by the City Council, pursuant to Chapter 2.60 of the Fruita Municipal Code. Following such hearing, the City Council shall issue a written decision either revoking the subject land development permit or finding insufficient evidence exists to revoke the permit.

**17.55.030 ENFORCEMENT AND PENALTIES.**

- A. If, in the process of inspecting improvements being constructed pursuant to this Title and for which a valid land development permit has been issued, a defect, design flaw or an unforeseen condition is discovered or work is being performed which has not been approved by the city which, if uncorrected, would create a non-conforming use or structure, or would violate other provisions of this Chapter, or state law or applicable design and construction standards, the City Engineer or Community Development Director may administratively suspend existing approved land development permits, and suspend the issuance of new land development application approvals, pending correction of the flaw, defect or unforeseen condition. Suspensions may include partial suspension of specific tasks, or complete stop work orders.
- B. The applicant is responsible for correcting said flaw, defect or unforeseen condition, including any necessary design or engineering work, information submitted for city approval, and the cost of construction.
- C. Any suspensions so issued by the city, and any subsequent releases of a suspension, shall be done in writing and be transmitted to the project representative.
- D. Any permit or approval that remains suspended for sixty (60) days automatically can be considered to be revoked, requiring re-submittal of a permit application or request for approval and payment of applicable fees.
- E. Specific to subdivisions, if an applicant elects not to correct said flaw, defect or unforeseen condition to the satisfaction of the city, the Community Development Director may also initiate actions to terminate the development agreement following the procedure described in Chapter 17.49.
- F. Specific to the issuance of a permit or approval under this Title, the city imposes a specific requirement on the applicant for the permit or approval to remedy any impacts to city infrastructure caused by the construction. This includes but is not limited to repair or replacement of damaged sidewalk and streets, cleaning and sweeping of streets to remove dirt and debris, removal of construction debris, and

cleaning and jetting of storm drains. The city retains the right to suspend the issuance of a Certificate of Occupancy or other land development applications until remedial actions are performed to the satisfaction of the city.