

ROUTT COUNTY REGIONAL BUILDING DEPARTMENT

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Policy Statement

From: Ron Goodrich

RE: VIOLATION AND COMPLAINT PROCEDURES

Effective Date: March 1, 1995

REASONABLE CAUSE:

The Routt County Regional Building Department will investigate suspected code violations only when there is reasonable cause to believe that a violation exists. The following shall constitute reasonable cause:

1. A complaint or report, in sufficient detail, from a credible person verifying that a violation does or may exist.
2. An observation by building department personnel that a violation does or may exist.
3. An admission, by an owner, that a violation does exist

COMPLAINT HANDLING:

Complaints received from the public on matters that it feels should be resolved by the building department, shall be handled as follows:

1. All complaints shall be handled in a courteous and professional manner. No complaint should be ignored, however trivial or ridiculous it may seem.
2. Each complaint shall be recorded on a *Complaint Report* form (see attached). The name, address, and phone number of the complainant should be recorded unless the complainant wishes to remain anonymous. They should be informed that complaints registered with the RCRBD are a matter of public record. **Building department staff should never personally disclose the name of a complainant!**
3. Maintain a database for all complaints registered with the building department.
4. Complainants shall be notified of case dispositions when they have so indicated.
5. Complaints which have no relationship to the responsibilities of the building department should be referred to a more appropriate department or agency. If the complainant is advised to contact another department, the record shall so indicate.
6. Violation complaints or reports shall be properly recorded and referred to the inspectors for investigation.

RIGHT OF ENTRY:

When the Routt County Regional Building Department has reasonable cause to believe that there exists in any building or upon any premises a condition which is contrary to or in violation of any of the provisions

of the building codes, the building official or an authorized inspector may enter the building or premises at all reasonable times to perform the investigative inspection duties imposed by the codes, provided:

1. The point of entry to the building or premises is not posted against entry with a “NO TRESPASSING” sign.
2. The point of entry to the building or premises is not barred by a closed gate or other barrier which is effectively intended to prevent access. If a gate or barrier exists but is open and no sign warning against entry exists then it will be assumed that entry for the purpose of inquiry is permissible.
3. Entry to the building or premises shall be only along the driveway and/or walkway directly to the front door or by the most direct route from the point of entry to the front door if no driveway or walkway exists.
4. Entry to the building or premises is intended for the sole purpose of locating the owner or other persons having charge of the building or premises to request entry.

If the point of entry to the building or premises is posted or barred, or entry is refused the Routt County Regional Building Department will proceed, if necessary, with other remedies by law to secure entry.

INVESTIGATION PROCEDURES:

Investigation and documentation of violations by building department personnel shall be as follows:

1. Inspectors shall investigate all complaints within at least five working days from the date the complaint was registered.
2. Inspectors shall investigate apparent violations which they observe during the course of their normal duties.
3. Investigation results shall be documented on a *Violation Investigation Report* form (see attached). Completed forms shall be returned to the Administrative Assistant for the Routt County Regional Building Department.
4. When an investigation reveals that no violation exists, the matter shall be considered closed and the investigation report shall be properly filed.
5. When an investigation reveals that a violation exists, a case file shall be created and referred to the Building Official for enforcement action.

ENFORCEMENT PROCEDURES:

When a violation exists the following enforcement procedures shall be taken:

1. The persons responsible for the violation shall be notified in writing. The *Violation Notice and Order* (see attached) shall: 1) order the immediate cessation of further violations; 2) order the elimination of the existing violation within the number of days specified in the notice; and 3) verify what action must be taken to correct the violation.
2. The notification shall be mailed to the landowners/leaseholders last address as shown by the records of the office of the Assessor of Routt County.

3. Two (2) notifications, for each violation, shall be mailed as follows: 1) Mail the 1st notice by regular first class mail, one day before mailing the 2nd notice; 2) Mail the 2nd notice by certified mail, postage prepaid, return receipt requested, one day after the 1st notice.
4. Copies of the notification shall be sent to: 1) the attorney for the jurisdictions of Routt County, and Steamboat Springs ; 2) the town board for the towns of Hayden, Oak Creek, and Yampa; and 3) the director of the planning department for the jurisdictions of Routt County, and Steamboat Springs.
5. Maintain a database of violation cases. Active violation cases shall be monitored on a routine basis to insure timely enforcement action.
6. If the person(s) notified fail to comply within the time period set forth in the violation notice and order, the matter shall be turned over to the jurisdiction and/or its legal department for appropriate legal action.

WORK WITHOUT A PERMIT:

Violations involving work without required permits shall be subject to the following:

1. Payment of the investigation fee, in addition to the permit fee. The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee(s) required by the code(s).
2. Payment of any fees incurred by the legal department for service of process or attorney fees necessary to achieve compliance.
3. Compliance with all other applicable provisions of the technical codes.

SATISFACTORY COMPLIANCE:

Compliance shall be considered satisfactory when the persons engaged in doing or causing the violation have taken the appropriate action necessary to correct or abate the violation, and all required fees have been paid.