

## **CHAPTER 6. PERMIT ADMINISTRATION AND ENFORCEMENT**

### **A. ANNUAL REVIEW**

1. Within thirty (30) days before each annual anniversary date of the granting of a Permit, the permit holder shall submit a report to the Board of County Commissioners, via the Administrator, detailing all past activities conducted by the permit holder pursuant to the permit including a satisfactory showing that the permit holder has complied with all conditions of the Permit and applicable regulations. The permit holder need not inform the Board of activities, such as operational changes, which are not the subject of a permit condition.
2. The Board shall review the report within thirty (30) days from the date of submittal thereof. If the Board determines, based upon its review, that the permit holder is likely to have violated the provisions of the Permit or applicable regulations, it shall consider the matter at a scheduled public hearing. If the Board determines at the public hearing that the permit holder has violated the provisions of the Permit or applicable regulations, the Board may suspend or revoke the Permit in accordance with these Regulations.
3. Upon notice to the Board of the fulfillment of all Permit conditions, and the Board's concurrence therein, the Board may terminate any annual review requirements.
4. The Board of County Commissioners may waive or modify the annual review requirements on its own initiative and discretion or upon petition of the permit holder and upon a showing of good cause therefor.

### **B. PERMIT SUSPENSION OR REVOCATION**

1. The Permit Authority may temporarily suspend the Permit for a period of thirty (30) days for any violation of the Permit or these Regulations. Prior to any permit suspension, the Permit Authority shall provide the permit holder with written notice of the violation and will have a minimum of fifteen (15) days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for thirty (30) days. If the permit holder does not concur that there is a violation, he shall, within fifteen (15) days after the date of the notice, show cause to the Board why temporary suspension should not be ordered. A hearing shall be held within the thirty-day period pursuant to the following subsection.
2. Before or after a temporary suspension, the Permit Authority may, following notice and hearing, revoke or permanently suspend a Permit granted pursuant to these Regulations, if the Permit Authority finds:
  - a. A violation of any provision of the Permit or these Regulations; or
  - b. The permit holder has failed to take substantial steps to initiate the permitted development or activity within twenty-four (24) months from the date of the Permit, or, if such steps have been taken, the permit holder has failed to complete the development or activity with reasonable diligence. "Substantial steps" do not require construction activity and may include, among other things, legal or administrative proceedings and activities directly associated with the Project. An extension of the time within which substantial steps to initiated the permitted development or activity need be taken may be granted by the Permit Authority upon the request of the permit holder and a showing of good cause therefor.
3. Upon good cause shown by the permit holder, any revoked or suspended permit may be reinstated,

effective immediately upon such reinstatement, within twelve (12) months after revocation or suspension.

4. When the Permit Authority is considering the revocation or suspension of a permit, it shall consider evidence and statements in mitigation and in aggravation of the violation or failure to act before determining the appropriate penalty.
5. No less than thirty (30) days before the revocation hearing, the Permit Authority shall provide written notice to the permit holder setting forth the violation and the time and date for the revocation hearing. Public notice of the revocation hearing shall be published in a newspaper of general circulation not less than thirty (30) days or more than sixty (60) days prior to the hearing. Following the hearing, the Permit Authority may revoke the Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.

**C. ENFORCEMENT AND PENALTIES**

1. Any person engaging in a development in the designated area of state interest or conducting a designated activity of state interest who does not obtain a Permit pursuant to these Regulations, who does not comply with Permit conditions or these Regulations, or who acts outside of the jurisdiction of the Permit may be enjoined by the County from engaging in such development or conducting such activities and may be subject to such other criminal or civil liability as may be prescribed by law.
2. If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the Permit shall be immediately suspended and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with Permit Application Approval Criteria or if the Permit should be revoked.
3. The remedies set forth here are cumulative of all other remedies, legal and equitable, provided by law.

**D. TRANSFER OF PERMITS**

A permit may be transferred only with the written consent of the Permit Authority. The Permit Authority must ensure, in approving any transfer, that the proposed transferee can and will comply with all requirements, terms and conditions contained in the Permit and these Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

**E. INSPECTION**

The Permit Authority and its agents and consultants may enter and inspect any property subject to these Regulations at reasonable hours for the purpose of determining whether the Project is in violation of the provisions of these Regulations.

**F. JUDICIAL REVIEW**

Any action seeking judicial review of a final decision of the Permit Authority shall be initiated within thirty (30) days after the decision is made, in the District Court in and for the County of Clear Creek, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.