



COD-25-007

California Lode Mining Claim  
U.S.M.S. No. 1559  
owned by Fox Gulch LLC

Hearing to Consider  
Resolution No. R-26-24

— The Board's review includes the following:

- Is the structure or its use unsafe?
- If so, the structure is a nuisance.
- Did the owner receive appropriate notice of the violations?
- Did the CBO post the appropriate sign on the structure?
- Did the owner remove the violations?
- Should County staff proceed with removal of the structure?



12/16/25



# Building Code Section E101: Is the Structure or its Use Unsafe?

For the structure:

- Is the building structurally sound?
- Does the building or its use provide adequate egress?
- Does the building constitute a fire hazard?
- Is the building otherwise dangerous to human life?

If the structure or its use is unsafe, Section E102 designates the structure as a public nuisance.



12/16/25



# Building Code Section E101: Is the Structure or its Use Unsafe?

For the use of the structure:

- Does the use constitute a hazard to safety, health, or public welfare by reason of Inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment?

If the structure or its use is unsafe, Section E102 designates the structure as a public nuisance.

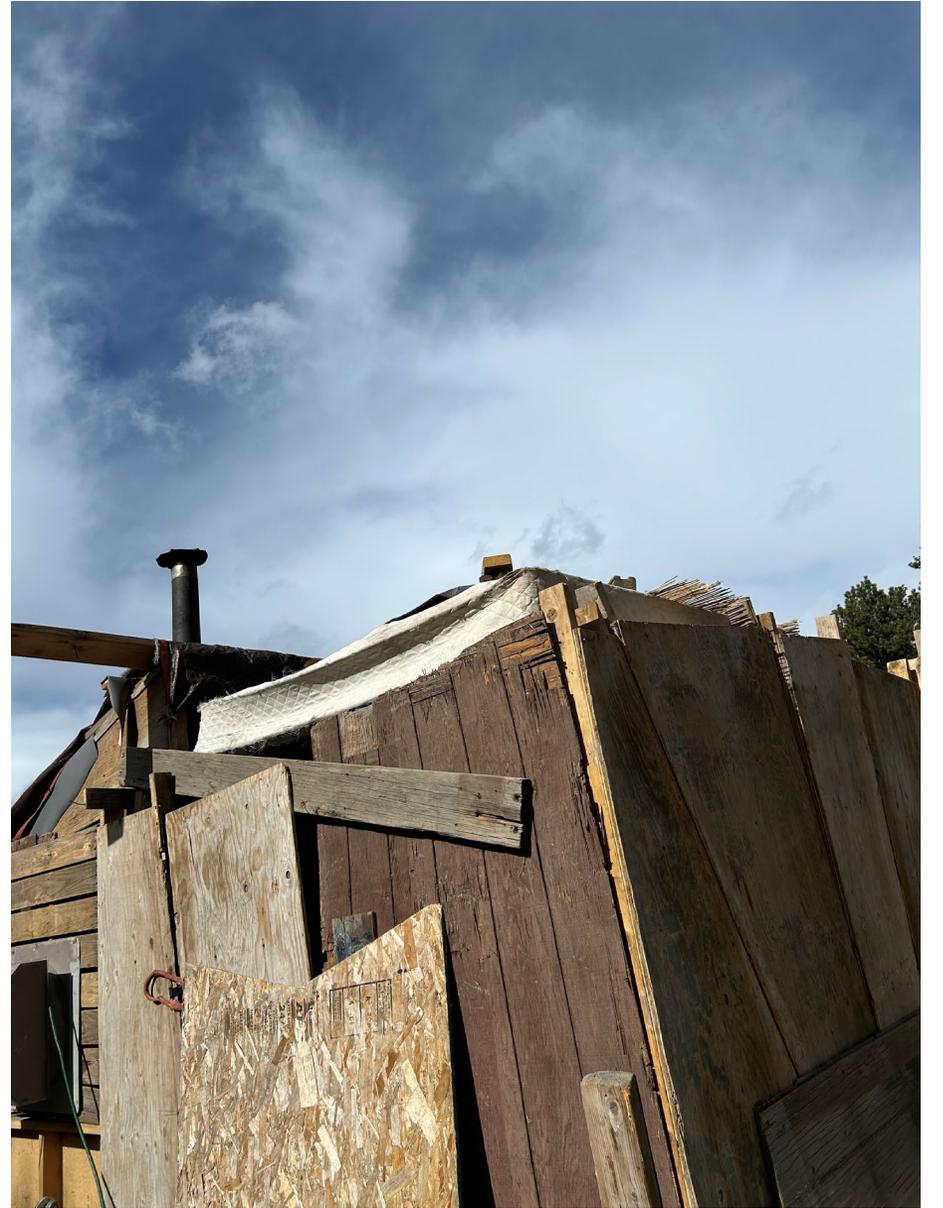


2/18/26





2/18/26



---

## SECTION E102.2.1

- The CBO must examine, or cause to be examined, the structure.
- If the CBO finds the structure unsafe, then he must give notice to abate.
  - ✓ The notice must state the defects of the structure
  - ✓ The notice may require abatement work to be commenced within 48 hours and may give up to 90 days to complete the work.
  - ✓ The notice may require the building to be vacated and not reoccupied
- The notice must be served.



CODE ENFORCEMENT DEPARTMENT  
1111 ROSE STREET  
P.O. BOX 2000  
GEORGETOWN, COLORADO 80444  
303-679-2469 Fax: 303-567-2210

## **NOTICE OF VIOLATION & NOTICE OF HEARING**

02/18/2026

Mark Scott/Fox Gulch LLC  
101 27th Place  
Idaho Springs, CO 80452

Owner Name: Fox Gulch LLC  
Mailing Address: PO Box 70 Dumont CO 80436  
Case #: COD-25-007, Notice of Violation  
Parcel Number: 183530100607  
Subject Property: CALIFORNIA LODE MINING CLAIM, U.S.M.S. NO. 1559  
Zoning: M-1  
Parcel Address: N/A

Dear Mark Scott/Fox Gulch LLC,

This Notice of Violation and Notice of Hearing supplements the October 22, 2025 Notice of Violation related to the use of the property for accessory storage without establishing a primary principal use, and junk on the property.

During a recent visit on February 12, 2026 to the subject property, in addition to the aforementioned violations of County regulations, the Code Enforcement Officer and the Building Official observed that the structure that someone is living in on your property is a violation of the County's building code because the unpermitted structure on subject property is an "unsafe structure" under Appendix E of the County's adopted building codes. Appendix E is attached for your convenience.

The structure is unsafe under Appendix E because it was not built to code, is dilapidated, is structurally unsound, is unsafe for use as a dwelling, and constitutes an immediate and significant fire hazard. The structure is structurally unsafe in that it was built with miscellaneous building materials not graded or tested to appropriate standards and without any building plans, which also has resulted in non-prescriptive construction methods being used without engineering or other supporting documentation demonstrating compliance with the code. It is unclear what electrical components it may have inside, but

the occupant is using a generator to power them. In addition, there is an indoor fireplace that does not meet county regulations, and the chimney attached to the building appears to risk melting the tarp covering the roof. Moreover, the structure also does not have a source of potable water or an onsite wastewater treatment system for the disposal of effluent. These issues constitute a significant hazard to safety, health, and public welfare and constitute a violation of the following provisions of Appendix E to the County's adopted 2021 Building Codes:

### **E101 Unsafe Building or Structures.**

All buildings or structures regulated by this code, which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet wall, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this Code are hereby designated as unsafe building append:

### **E102 Public Nuisances.**

All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in this chapter. If alternative, the building official may institute any other appropriate action to prevent, restrain, correct or abate the violation, at the expense of the owner.

### **Actions necessary to correct the violation(s):**

- Immediately ensure the structure is vacated and not reoccupied for any reason.
- Within 10 days of the receipt of this notice, you are required to contact the Building Department to apply for a demolition permit *and* complete the demolition and removal of the structure.

### **Notice of Hearing:**

Pursuant to Section E102.2.3 of the building code, and due to the current elevated risk of fire danger in the County and the risks posed by the unsafe structure, the Board of County Commissioners has scheduled a hearing to consider whether to order the owner of the property prosecuted as a violator of the provisions of the building code and whether to order the building official to proceed with the work specified in the notice. Should the Board order the building official to proceed with the work, a statement of the costs of the work will be transmitted to the Board of County Commissioners, who will cause the same to be levied against the property.

The hearing on this matter will be held by the Board on Tuesday, March 3, 2026, at 9:30 a.m. in the hearing room in the Clear Creek County Courthouse at 405 Argentine Street, Georgetown, CO 80444. Should you satisfactorily complete the required corrective actions prior to the hearing, please contact us to schedule an inspection and the Board will cancel the hearing.

### **Additional Enforcement**

In addition to any penalties described above or fines in County ordinances or resolutions, state law (including C.R.S. § 30-28-124; § 30-28-124.5; § 30-28-209; and § 30-28-210) allows the County to enforce violations of its regulations through a county court action for fines or a district court action for fines and/or injunctive relief. For example, under C.R.S. § 30-28-124.5, zoning violations are punishable by a one-time fine of up to \$1,000, in addition to continuing penalties of up to \$100 per day until the violations are abated.

The County Code Enforcement Department may be reached at 303.679.2430 or email us at [code.enforcement@clearcreekcounty.us](mailto:code.enforcement@clearcreekcounty.us).

Sincerely,

  
Jon T. Butcher  
Planning and Building Enforcement

Attachments: Photos; Appendix E of the County's Adopted Building Code

CC: David Danielson, Chief Building Official; Kathy Parker, Assistant County Attorney

## — Section E102.2.2: Posting of Signs

The building official must post a sign on the entrance of the structure informing people of the danger, designating the structure as unsafe for occupancy, and warning against entry.

The sign is to remain posted until the demolition and removal are complete, and until the CBO gives permission for its removal.



2/18/26



---

## Section E102.2.3: Right to Demolish

If the owner does not abate the violation within the appropriate timeframe, the Board may "order the owner of the building a violator" of Appendix E and order the structure to be removed by Clear Creek County.

- Is the structure or its use unsafe?
- If so, the structure is a nuisance.
- Did the owner receive appropriate notice of the violations?
- Did the CBO post the appropriate sign on the structure?
- Did the owner remove the violations?
- Should County staff proceed with removal of the structure?