

**Huerfano County
Land Use Department
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117/118 (Building Department)**



Huerfano County Building Authority Board (HCBA) Staff Report

COMPLAINT:

Spanish Peaks Inn Fire

HISTORY:

On January 3, 2023, the Spanish Peaks Inn burned, at that time the building had been condemned. The day after, on the fourth of January, the department sent out a curtesy letter explaining the need to have the damage cleaned up as quickly as possible. About a month later, an official code letter was sent because no noticeable efforts in clean-up had been made.

Since then, there have been numerous telephone conversations as well as email correspondence trying to get a timeframe on when the clean-up will happen. There has been an issue with debris flying across the highway from both buildings on the property-- the roof is coming off the building next to the burned structure. Several letters have been send trying to get clean-up initiated. At the end of last year, the department brought the issue before the Huerfano County Building Authority Board and the recommended the building department speak with them again about cleaning up the trash to keep it from going across the highway. There had been some clean-up after the meeting. Now that the wind has picked up again, more debris has been noticed around the area starting to break free.

CURRENTLY:

At this time, Huerfano County Building Department would like to bring Mr. Patel in front of the Board to specifically explain the timeframe and why it is taking so long to get the area cleaned up. We do know a large amount of time was spent waiting for the State asbestos testing and results. But the results are back and Adept Building Solutions pulled a demolition permit January 8, 2024; the demolition permit was approved and issued on January 9, 2024 and still nothing has been done. We have been in contact regularly with Adept Building Solutions and we get a different story every time. Finally, we decided to communicate in an email form, and has been stated it could take up to six months before the company can start demolition on this project.

KEY CONSIDERATIONS:

Mr. Patel has come to the Building Department and complained about security issues on the premises and needed somebody to stay 24/7 and asked the department to release power back to the building. We released the electricity for security purposes. We have driven past during the day and don't see anyone on the property, they only seem to have people there at night. The entrance to the main part of the hotel is destroyed and unsafe for public access. We asked Patel not to access that area and it seems that is where the security personnel are entering--have been parking under the area of concern.

HUERFANO COUNTY BUILDING REGULATIONS:

SECTION 116

UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Unsafe conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and *ventilation*, or that constitute a fire hazard, or

are otherwise *dangerous* to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure [that is not secured against unauthorized entry shall be](#) deemed unsafe.

[A] 116.2 Record.

The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 Notice.

If an unsafe condition is found, the [building official shall serve on the owner of the structure, or the owner's authorized agent, a written notice that describes the](#) condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] 116.4 Method of service.

Such notice shall be deemed [properly served where a copy thereof is served in accordance with one of the following methods:](#)

1. [A copy is delivered to the owner personally.](#)
2. [A copy is sent by certified or registered mail](#) addressed to the owner at the last known address with the return receipt requested.
3. [A copy is delivered in any other manner as](#) prescribed by local law.
 - [If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of](#) notice on the *owner*.

[A] 116.5 Restoration or abatement.

[Where the structure](#) or equipment determined to be unsafe by the *building official* [is restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the building official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions](#) are made or a *change of occupancy* occurs during the restoration of the structure, such *repairs, alterations, additions* and *change of occupancy* shall comply with the requirements of the [International Existing Building Code](#).

STAFF RECOMMENDATIONS:

To allow Mr. Patel a month to come into compliance and if it is not done within this timeframe, have the electricity shut off and the entire property fenced off to ensure no public access.