



## SUMMARY OF THE BAILEY CASE

The beginning date on file for this case was July 2, 1987; however, the complaints had been occurring prior to that date. Joe and Roberta Bailey lived at 264 27 1/2 Road in Orchard Mesa. Mesa County Assessor's Office listed them as owners of record. Mr. Bailey was a mechanic and sometimes took cars in trade rather than cash. Consequently, several vehicles accumulated in the back yard.

Various complaints ranging from excessive trash & weeds to junk vehicles were called in about this property. The County Health Department made a couple of inspections but there was never a "health risk".

During the spring of 1988, it appeared that an attempt had been made to clean up the front portion of the property. On June 23, 1988, Linda Weitzel, Planning Technician, met with some of the neighbors and inspected the Bailey's property from the neighbor's property. There were approximately 3 pickup trucks, one flatbed truck and 3 junk vehicles parked in the rear half of the lot, plus an assortment of axles, tire rims, etc. Major household appliances, such as stoves, washing machines & dryers were stored outside, exposed to the elements. Photos were taken.

The First Notice of Violation was sent certified on January 12, 1988 and second Notice on June 24, 1988. Dan Wilson, City Attorney, send a Final Notice to the Bailey's on October 17, 1988.

On November 15, 1988, Ms. Weitzel cited Mrs. Bailey for having a junk yard in a residential zone, Section 4-3-4, Use/Zone Matrix. Mrs. Bailey was cited because she was the only adult at home. The Baileys have 4 children who were generally unkept. Officer Ted Cruz of the Grand Junction Police Department accompanied Ms. Weitzel on November 15th. Officer Cruz noticed that the wood burning stove was not set up correctly and mentioned this to Mrs. Bailey.

Mr. & Mrs. Bailey appeared in Judge Palmer's Municipal Court on December 1, 1988 to plea "not guilty" to the charge. The trial date was set for January 5, 1989 at 4:00 p.m. and then cancelled. Judge Palmer and Ms. Weitzel agreed to give the Baileys 90 days to get the area cleaned up.

On March 8, 1989 another summons was issued to Roberta Bailey for violations of Section 4-3-4 and 5-1-2.B. The Baileys were arraigned on March 23, 1989 and the trial date was set for April 6, 1989.

Judge Palmer found the defendant guilty of the above violations. He suspended the fine on the condition that the area be cleaned up by April 20, 1989. On April 20, the Baileys were granted an additional 60 days to comply. Photos were taken at this time.

On June 20, 1989 a reinspection was done by Ms. Weitzel and Chris Mack, Zoning Enforcement Officer. Mrs. Bailey said that they

had sold the house and were going to be moving soon, as in the next couple of weeks. Photos were taken, but no further action was taken at that time. This decision was based on Mrs. Bailey's statement that they were going to move.

On August 28, 1989 another reinspection was done by Ms. Weitzel and Ms. Mack and more photos were taken. Mr. Bailey said that the previous deal to sell their house had not worked out. They had new buyers and were scheduled to move September 11, 1989. Appliances and miscellaneous items were still evident.

Ms. Mack discussed this case with Judge Palmer and they decided that a "Show Cause" hearing be set for September 7, 1989. Mrs. Bailey misread the warrant and came the wrong day. The trial was rescheduled for September 12, 1989. Judge Palmer found Mrs. Bailey in contempt of Court and a \$100 fine and 1/2 day in jail was imposed.



Grand Junction Planning Department  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(303) 244-1430

June 24, 1988

Mr. & Mrs. Joseph Bailey  
264 27 1/2 Road  
Grand Junction, CO 81503

Dear Mr. & Mrs. Bailey:

On January 21, 1988, you were sent a notice of violation concerning the storage of junk automobiles and miscellaneous items on your property. Since that time, some of it has been moved. There are still several appliances in the frontyard area and some cars. In the rear yard, there are several junk vehicles, scrap metal and tires.

I have enclosed the sections of the Grand Junction Zoning & Development Code that are relevant. The zoning at 264 27 1/2 Road is residential single family (RSF-8). This zone does not allow the storage of junk or junk vehicles.

I would like to hear from you so we could talk about this problem; however, if this situation continues, we shall be forced to issue you a summons to Municipal Court.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Weitzel".

Linda A. Weitzel  
Planning Technician

/enc



City of Grand Junction, Colorado  
81501-2668  
250 North Fifth Street

October 17, 1988

Joe and Roberta Bailey  
264 27 1/2 Road  
Grand Junction, CO 81503

Dear Joe or Roberta Bailey:

The City's Planning Department has referred to me what appears to be a violation of the City Ordinances dealing with junk and junk storage in the residential zone. The file reflects that several notices have been sent to you with no response from you.

The purpose of this letter is to advise you that, unless I receive from you within ten days of today's date, an explanation sufficient to explain why you are not in violation of the City's Ordinances, I will be forced to issue a summons in the Municipal Court. The issuance of such a summons is the first step in a criminal prosecution.

If you do not have a satisfactory explanation but wish to avoid a court appearance, you may contact me to discuss what action you must take to remove the apparent violation.

Please contact me on or before October 27, 1988.

Yours truly,

Dan E. Wilson  
City Attorney

DEW:dc

cc: Planning Department

Bailey, 264 27 1/2 Road

Past history of complaints prior to my first records of July 2, 1987. At that time, there was no one assigned to do zoning enforcement.

Letters of violation were send:

1. January 21, 1988
2. June 24, 1988

A letter from the City Attorney for Final Notice was send on October 17, 1988.

First citation was given on November 15, 1988 for junk and junk vehicles in the wrong zone. An agreement was reached on December 1, 1988 to allow the Bailey's until March 1, 1988 to remove all the junk and junk vehicles.

Site check on March 8, 1989 lead to another citation to be issued because this writer could see no visible change in the condition of the area.

*Jan. 5, 1989 trial date was set  
Cancelled by self*

STATE OF COLORADO )  
COUNTY OF MESA )  
CITY OF GRAND JUNCTION )

THE PEOPLE OF THE STATE OF COLORADO )

vs )

Roberta & Joe Bailey )

Defendant )

ORDER TO SHOW CAUSE

To: Roberta & Joe Bailey:

YOU ARE ORDERED to appear at the Municipal Court in the City of Grand Junction, Colorado at 520 Rood Ave. on September 7, 1989 at 8:30 A.M. to show cause if any you have why you should not be punished for contempt of court for failure to comply with court order to clean up premises and failure to pay fine. Contempt of Court is punishable by fine, imprisonment, or both.

Dated this 29th day of Aug. 1989.

David A. Plummer  
Municipal Court Judge