

RULE 111.5 - ADMINISTRATIVE COMPLIANCE AND CEASE & DESIST ORDER

- A. Administrative Compliance Orders and/or Cease & Desist Orders generally address violations of District Rules and Regulations or ordinances that the General Manager, in his or her sole discretion, deems to constitute a Public Nuisance or Water Waste, or serious, continuing or recurring violations, or similar matters.
- B. Whenever the General Manager determines that a violation of any provision of these Rules and Regulations or of any District ordinance has occurred or exists, the General Manager may issue a written Administrative Compliance Order and/or a Cease & Desist Order to any Person responsible for the violation. The Board of Directors, by Resolution, may adopt guidelines to guide staff's implementation of Administrative Compliance and Cease & Desist Order process provided by this Rule.
- C. Each Administrative Compliance Order or Cease & Desist Order shall set forth a description of the observed violation(s), a description of what the Responsible Party is required to do (or to refrain from doing) to bring the water use or property into compliance, and the date by which compliance must be achieved. The Order shall provide notice as to administrative and fiscal penalties that shall accrue if compliance with the Order is not achieved by the date listed on the Order. Each Administrative Compliance Order or Cease & Desist Order may be contested through an administrative hearing process. The decision may contain an order to correct any violations determined to exist, together with an order to pay administrative penalties and costs.
- D. An Administrative Compliance Order and/or Cease & Desist Order pursuant to this Rule shall be served in accord with the provisions of Rule 111.7, and shall contain the following information:
 - 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. Reference to the section of the Rules and Regulations, or to the provisions of any ordinance, violated and a description of the circumstances pertaining to the violation;
 - 4. The amount of the fine and other fiscal consequence for the Rules and Regulations violation determined in accord with these Rules and Regulations;
 - 5. The action(s) required to correct the violation;
 - 6. Penalties related to the violation, if compliance is not achieved;
 - 7. An order prohibiting the continuation or repeated occurrence of the Rules and Regulations violation described in the Administrative Compliance Order, or as prohibited by the Cease & Desist Order;

8. A description of the administrative compliance process, including the time within which the Administrative Compliance Order or Cease & Desist Order may be contested and the place from which a request for hearing form may be obtained and an explanation of the consequences of noncompliance with this Regulation; and
9. The name and signature of the General Manager or his delegated agent acting as Enforcement Officer.

Rule added by Ordinance No. 133 (5/19/2008)