

RULE 115.1 - ADMINISTRATIVE PENALTIES

- A. In accord with this Regulation, the Hearing Officer may impose administrative penalties for the violation of any provision of these Rules and Regulations, or for allowing an unabated Public Nuisance or water waste, in an amount not to exceed a maximum of two thousand five hundred dollars (\$2,500.00) per day for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- B. In determining the amount of the administrative penalty, the Hearing Officer may take any or all of the following factors into consideration:
1. The duration of the violation(s) and/or Public Nuisance and/or water waste;
 2. The frequency, recurrence and number of violations, related or unrelated, by the same violator or at the same Site;
 3. The seriousness of each violation;
 4. The good faith efforts of the violator to come into compliance;
 5. The economic impact of the penalty on the violator;
 6. The impact of the violation on the community;
 7. Such other factors as justice may require.
- C. Administrative penalties shall accrue from the date specified in the citation or order and shall cease to accrue on the date the violation is corrected as determined by the Hearing Officer.
- D. The Hearing Officer, in his or her discretion, may suspend the imposition of applicable penalties for any period of time during which:
1. The violator has filed for necessary permits; and
 2. Such permits are required to achieve compliance; and
 3. Such permit applications are actively pending before the District or other appropriate Governmental agency.
- E. Administrative penalties shall be due by the date specified in the Administrative Order.

- F. Administrative penalties are a debt owed to the District and, in addition to all other means of enforcement, if the violation is located on real property, may be enforced by means of a lien against the real property on which the violation occurred.
- G. If the violation is not corrected as specified in the Hearing Officer's Administrative Order, administrative penalties shall continue to accrue on a daily basis until the violation is corrected, subject to the maximum amount set forth above in this Rule.
- H. If the violator gives written notice to the General Manager that the violation has been corrected and if the General Manager finds that compliance has been achieved, the General Manager shall deem the date the written notice was postmarked or personally delivered to the General Manager or the date of the final inspection, whichever first occurred, to be the date the violation was corrected. If written notice is not provided to the General Manager, the violation will be deemed corrected on the date of the final inspection.

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