

CHAPTER 44: CONNECTION AND OCCUPANCY PERMITS - REVOCATION

Flagg Creek Water Reclamation District - Connection and Occupancy Permits - Revocation

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Section

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' 44-1.01 RECITATIONS.

The Board of Trustees hereby adopts the aforesaid recitations in this Ordinance 747 apart hereof.
(Ord. 747, passed 1-23-2003)

' 44-1.02 LIST OF ALL PERMITTEES.

From and after the effective date of this Ordinance 747, the District staff shall compile a listing of any and all permittees who are categorized under the particular regulations or other promulgations by any or all of the United States Environmental Protection Agency, the State Pollution Control Board, the Environmental Protection Agency and the District under its ordinance established rules and regulations or the courts as industrial users, whether based upon flow characteristics or total flow or under connection charge resolutions assessing composite connection charges under a connection charge resolution which also authorizes a specific type or volume of effluent discharge to the District system for such industrial user.

(Ord. 747, passed 1-23-2003)

' 44-1.03 NOTICE OF VIOLATION.

(A) From and after the effective date of this Ordinance 747, such industrial users appearing to be in violation of any significant of such rules and/or regulations, connection charge resolutions or other promulgations and/or court decisions shall be served a written notice of violation of specifying the details

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of such alleged violation and shall be given a reasonable time, not to exceed 90 days, to ascertain if there is actually any violation and, if there is a violation, to eliminate the violation or seek such additional permits or authority from the District and any other concerned Agency.

(B) After the violation notice has been served and the alleged violation is found to be an actual violation, the connection permit shall be thenceforth be subject to revocation, provided that the violation is not thereafter cured and provided that the steps set forth below shall have been followed.

(Ord. 747, passed 1-23-2003)

' 44-1.04 CONTINUING STUDIES.

The District Director is directed to make a continuing study of the progress of the actions of the alleged violator to remedy the alleged violations of the permit or such other alleged violations of the applicable rules, regulations, promulgations and/or court decisions.

(Ord. 747, passed 1-23-2003)

' 44-1.05 FAILURE TO COMPLY.

If, at the end of said 90-day period, any such industrial user, upon whom or which such notice of violation shall have been served, shall not have commenced to fully comply with the aforesaid statutes, ordinances, rules and regulations and/or court decisions, the District shall enact an ordinance calling for a rule to show cause why the connection permit and occupancy permit should not be revoked hearing at the District board room on a date certain and shall appoint a hearing office from one of the District staff or outside of the staff or itself or the Board of Local Improvements as a committee of the whole to serve as hearing officer. A certified copy of said ordinance shall be served upon the industrial user alleged to be in violation of the applicable rules, regulations, promulgations and court decisions by the District Inspector within five days after its enactment.

(Ord. 747, passed 1-23-2003)

' 44-1.06 RULE TO SHOW CAUSE HEARING.

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At the rule to show cause hearing, the industrial user=s alleged violations of such statutes, ordinances, rules and regulations and court decisions shall be the topic, and the alleged violator shall be entitled to show any and all reasons why the alleged violator=s connection permit should not be revoked. The alleged violator shall have the right to be represented by counsel and such experts as he, she or it may deem necessary. The executive in charge of the alleged violator=s operations within the District shall be required to be in attendance and be subject to examination and must exhibit written authority of the entity to make any legal arrangement or commitment with the District which can be agreed upon at the hearing. The alleged violator shall put on his, her or its case first and the District shall follow with its case. The alleged violator shall have a rebuttal time, at the discretion of the District, as shall the District, at the discretion of the District. The main purpose of the hearing is to gather facts. The application of the law shall be the at the sole determination of the Board of Trustees of the District.
(Ord. 747, passed 1-23-2003)

' 44-1.07 HEARING REPORT.

(A) After the hearing has concluded, the hearing officer shall prepare a report of the proceedings, including the facts, and any documentation submitted, and shall include his or her recommendation. Such report shall be delivered individually to the District Trustees within ten days after the hearing with a copy to the alleged violator. The Trustees shall have at least 14 days to study the report and documents. The alleged violator shall have seven calendar days to make any response to the hearing officer=s report. If the next regular meeting occurs before the end of the 14 days, the Trustees may defer the discussion on the matter to the next Board meeting or to a date certain.

(B) If the Board of Trustees or the Board of Local Improvements has conducted the hearing as a committee of the whole, the Board of Trustees may reconvene the regular meeting of the Board of Trustees and may make an immediate determination as a result of the ascertainment of facts at the hearing and direct the preparation of any ordinance containing such findings which it deems necessary. If such ordinance has been prepared in advance, and if the hearing is at a regular meeting of the Board, the Board may forthwith enact such ordinance as to it shall seem appropriate, including those set forth below. If not, the procedure in ' 44-1.08 shall apply.

(Ord. 747, passed 1-23-2003)

' 44-1.08 BOARD REVIEW; VIOLATIONS.

At the next meeting of the Board after the receipt of the hearing officer=s report, where the hearing and report are officially considered, the alleged violator may appear, and, if permitted by the Board, may comment upon the discussion of the Board and the written recommendation of the hearing officer. The Board shall make a determination concerning the facts and whether or not a violation actually exists. If the Board determines that, on the basis of the facts, that there is a violation and the violation is so greatly to the disadvantage of the District and its system, the Board shall enact an ordinance revoking the connection permit and occupancy permit of the violator. Such ordinance may set forth the terms under which a new connection permit and occupancy permit may be issued and whether any credit for

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composite connection charges theretofor paid will be made or not and whether any privilege of Agrandfathering in@ any previous flow or the amount thereof shall be lost by the uncured violation as a result of the revocation of the connection permit and occupancy permit.

(Ord. 747, passed 1-23-2003)

' 44-1.09 BOARD DISCRETION TO GRANT ADDITIONAL TIME.

The Board may grant the violator additional time to come into compliance before the revocation of such permits becomes effective, in its sole discretion, but not in excess of 180 days and such grant of additional time may be conditioned upon such terms as the Board determines. Failure to adhere to the time schedule in any respect shall authorize the revocation of the remaining of the 180 days and authorize the District to red-tag the building, cancel the occupancy permit and follow the disconnection procedures set forth in the Code of Laws.

(Ord. 747, passed 1-23-2003)

' 44-1.10 COPY TO ACCOMPANY VIOLATION NOTICE.

At any time that the District sends a violation notice to an alleged violator, the District shall include a certified copy of this Ordinance 747.

(Ord. 747, passed 1-23-2003)