

The background is a solid light blue color with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered on the page.

# 310 MINI TRAININGS

## VIOLATIONS



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# WHAT WE'LL COVER...

What is a violation?

Penalties

Yep, it's a violation! Now what?

Violation Flow Chart

Frequently Asked Questions

## WHAT IS A VIOLATION?

- Initiating a project without a permit
- Performing work outside the scope of the permit
- Placing a junked motor vehicle in the stream
- Violating the emergency procedures

# PENALTIES

- Misdemeanor with fine not to exceed \$500

OR

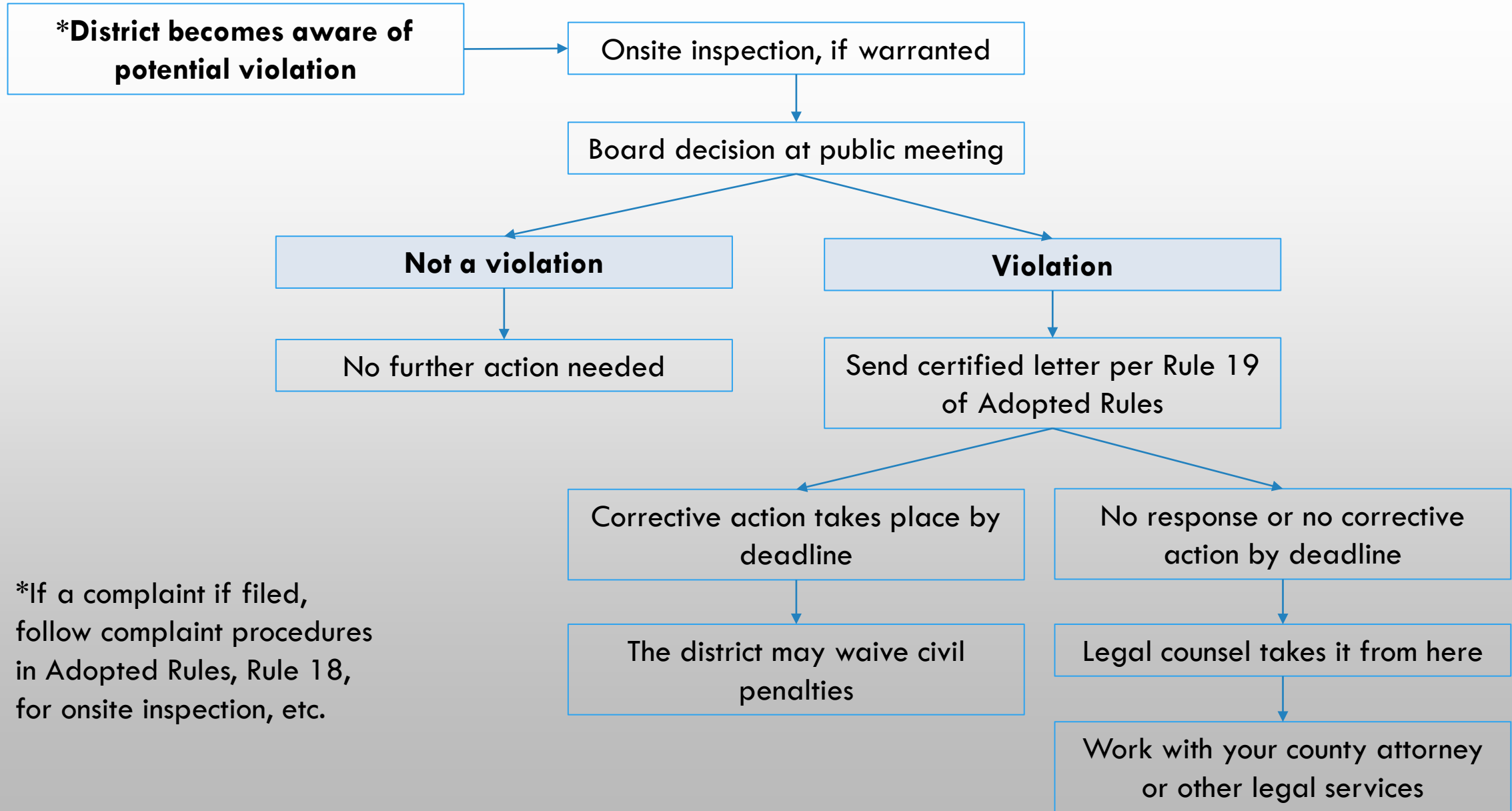
- Civil penalty not to exceed \$500/day they continue to be in violation
  - Not to exceed \$15,000 (does not include the cost of remediation)

YEP, IT'S A  
VIOLATION!

NOW  
WHAT?

- Follow your Adopted Rules Process!!!
- Certified letter (AR: Rule 19, Order on Violations)
  - Asses civil penalty (w/ date it commences, and date corrective action must take place)
  - List specific violation & finding of noncompliance
  - Districts intent to seek judicial enforcement if not paid
  - I recommend capturing all of this in the meeting minutes
- If corrective action takes place within timeframe, the CD may waive civil penalties
- If not, it is turned over to county attorney or other legal representation

# Violations Flow Chart



\*If a complaint is filed, follow complaint procedures in Adopted Rules, Rule 18, for onsite inspection, etc.

## FAQ 1:

Q: Who is the civil penalty against? The landowner or the applicant?

A: The district may find the landowner, the applicant, or both in violation. Generally, the applicant *is* the landowner. In certain circumstances, someone other than the landowner can be found in violation (such as a contractor).



## FAQ 2:

Q: Do we have to wait for a complaint to be filed before proceeding with the violation?

A: No. Complaints are how we normally find out about a violation, but if the district becomes aware of it through another avenue you can proceed without a formal complaint being filed.

## FAQ 3:

Q: Do we always have to assess penalties?

A: No. Some districts have a minimal fee they automatically assess if it's found to be a violation. But in many circumstances the violation was unintentional. The district may use their discretion on when to assess penalties. However, it is recommended they develop a standard process and always follow it, so they are not seen to show favoritism.

## FAQ 4:

Q: We sent them the letter, but we haven't heard back, or they are refusing to take corrective action. What do we do now?

A: Turn it over to your county attorney or other legal services. The rest of the process takes place in judicial court, unless the applicant requests a declaratory ruling. Legal counsel will work with you to collect the necessary documents and advise on timelines, etc.

# SUMMARY

- When in doubt, look to your adopted rules!