

114 AMENDMENTS, CHANGES

The District reserves the right at any time to alter, amend or add to these Regulations.

115 NOTICE

A notice of violation of any provision of these Regulations shall be deemed served by the District with issuance of a written citation stating the nature of the violation, signed by the authorized representative of the District, and mailed by U.S. mail to the last know address of the person causing violation.

116-198 RESERVED

199 PENALTY

Whoever violates any provisions of these Regulations or District directives pursuant to these Regulations shall be subject to the remedies allowed by these Regulations and by law, be liable for the cost of damages and the repairs incurred by the District, subject to having service discontinued, subject to being disconnected from the sewage system, and/or denied future permits for so long as the violation continues.

199.01 **Judicial Remedies.** If any person or entity violates any provision of these Regulations, or discharges sewage, industrial wastes, or other wastes into the public sewer system contrary to any of the provisions of these Regulations or any order or permit issued hereunder, the District may commence an action against such person or entity for appropriate legal and/or equitable relief in the Common Pleas Court of Lorain County.

199.02 **Injunctive Relief.** Whenever a person or entity violates any provision of these Regulations, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued hereunder, the District may petition the Court for the issuance of a preliminary or permanent injunction or both, as may be permitted by the Ohio Revised Code, which restrains or compels the activities on the part of the person or entity.

199.03 **Civil Penalties.**

- (a) Any person or entity that violates or continues to violate any of the provisions of these Regulations or any permit or order issued hereunder, shall be liable to LORCO RWD for a civil penalty of not more than one thousand dollars (\$1,000.00) per violation, to be assessed by the Executive Director, plus actual damages incurred by LORCO RWD, for as long as the violation continues. In addition to the above described penalty and damages, LORCO RWD may recover attorney's fees, court costs, and all other expenses associated with all such enforcement activities, including sampling and monitoring expenses.
- (b) LORCO RWD shall take all action necessary to recover all such

penalties, damages, fees and costs. In determining the amount of the penalty to be assessed and damages to be recovered, LORCO RWD shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the person or entity, the compliance history of the person or entity, and any other factors as justice requires.

199.04 Criminal Penalties.

(a) Violations.

1. Any person or entity who violates any provision of these Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.
2. In the event of more than one conviction described in Subparagraph (a) 1 above, the person or entity shall be punished by a fine not to exceed three thousand dollars (\$3,000.00) per violations per day or imprisonment for not more than three years or both.

(b) Falsifying Information

1. Any person or entity who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Regulations, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Regulations shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or imprisonment for not more than one year or both.
2. In the event of more than one conviction described in Subparagraph (b) 1 above, the person or entity shall be punished by a fine not to exceed three thousand dollars (\$3,000.00) per violations per day or imprisonment for not more than three years or both.

199.05 No Waiver. The District may refer any person or entity to the appropriate officials for the initiation of investigation, prosecution, or other proceedings for a criminal violation under these Regulations without

commencing enforcement proceedings outlined in this Chapter. The failure or delay by the District to enforce any of these Regulations shall not operate as a waiver or otherwise preclude the District's enforcement of these Regulations at a later time, subject to the applicable statute of limitations. Additionally, no waiver shall be enforceable against the District unless such waiver is in writing and signed by a duly authorized person.

199.06 Notice of Violation.

- (a) Whenever the Executive Director finds that any person or entity has violated or is violating any provisions of these Regulations, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued under these Regulations, the Executive Director shall serve upon said person or entity a written Notice of Violation by U.S. Certified Mail, return receipt requested. The Notice of Violation shall include a detailed description of the alleged violation for which action may be commenced by the District, and an explanation of the recipient's required actions pursuant to these Regulations.
- (b) Within thirty (30) days of receipt of the notice, the notified person or entity shall submit in writing to the Executive Director, an explanation of the cause of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions and time schedules for completing the same.
- (c) Submission of the plan in no way relieves the person or entity of liability for any violations occurring before or after receipt of the Notice of Violation.

199.07 Termination of Service

- (a) If an order referenced in these Regulations is not complied with in accordance with its terms, then the Executive Director shall terminate service to that person within 24 hours of notice given to the affected user regarding the scheduled termination. Notice shall be given in accordance with this Chapter.
- (b) Service termination in accordance with subparagraph (a) of this Section shall not be restored until the above referenced Order is complied with and the appropriate reconnection charge applicable fine, if any, are paid, or as the District may direct in a subsequent Order.
- (c) The decision of the District pursuant to this Chapter shall

constitute a final action from which an appeal may be made to a court of competent jurisdiction.

199.08 **Foundation Drain Inspection.** Any person or entity which performs or causes the work to be performed, without securing a foundation drain inspection shall be subject to a \$1,000 fine. Should the work be performed without properly and permanently sealing all connections between the foundation drain system and the sanitary sewer system so as to prevent ground and/or storm water from the property from entering the sanitary sewer system, the property owner shall be notified in writing that, should the sanitary lateral at the property not be permanently separated within 30 days after notice, then a \$200.00 per day fine shall be imposed against the property owner until such separation is completed to the satisfaction of the District. (Approved 2/3/2011)