

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-41. Water; violations, civil sanctions.

(a) If the Utilities Director has reasonable cause to find that a violation of this code has occurred, the Utilities Director shall send written notice of the violation to the customer and any other individual on the utility account requesting notice. The notice shall be sent by certified mail within fifteen (15) days after the Utilities Director determines that reasonable cause exists to find that a violation has occurred. The notice shall provide with reasonable particularity the nature of the violation, a statement of the penalties provided in this Chapter for such violation and the steps required to be in compliance with this Chapter (i.e., abate the violation).

(b) An individual or customer shall have fifteen (15) days after receipt of the notice to come into compliance (i.e., correct the violation) pursuant to the provisions set forth in the notice. For each day after the notice is received by the customer until the Utilities Director approves the steps taken by the individual or customer to come into compliance with the provisions of this Chapter a Civil Sanction shall be assessed of Ten Dollars (\$10.00) per day for each violation contained in the notice, not to exceed the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the individual or customer to a separate civil sanction in the amount provided by this section.

(c) Should an individual or customer fail to respond to the Utilities Director notice of violation within fifteen (15) days after receiving the notice, the individual or customer shall be liable for a Civil Sanction of Fifty Dollars (\$50.00) per day for each violation contained in the notice up to the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter.

(d) If an individual or customer fails to respond to the notice of violation within fifteen (15) days after receipt, the Utilities Director shall issue a compliance order stating with reasonable particularity the nature of the violation, steps required for compliance and the amount of Civil Sanctions which have accrued to date. The Utilities Director at the time of issuance of a compliance order shall impose the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter. However, the same compliance order may address multiple violations arising out of the same set of facts occurring on multiple dates. A copy of the compliance order shall be served on the individual or customer by certified mail. The individual or customer shall have ten (10) days from the date of receipt to request a hearing by filing a notice with the Utilities Director.

(e) The hearing shall be held before a hearing officer appointed by the City for such purpose. All relevant evidence may be admitted, whether admissible under the Arizona Rules of Evidence. The hearing shall be held in the manner provided for State administrative hearings pursuant to Title 41, Chapter 6, of the Arizona Revised Statutes. The hearing officer shall issue a written decision within ten (10) days after the hearing.

(Ord. No. 07-37, 11/20/07, Repeal reserved Sec. 25-41; Enacted new Sec. 25-41) SUPP 2007-4