

CLEAR CREEK COUNTY Public and Environmental Health	Enforcement	Section 12
---	--------------------	-----------------------

1. Primary Enforcement Responsibility

- A. The primary responsibility for enforcement of the provisions of the OWTS Act and these Regulations shall lie with the Department.
- B. In the event that Department fails to administer and enforce the provisions of the regulations adopted under the OWTS Act, the Division may assume such functions of the Department as may be necessary to protect the public health and environment pursuant to 25-10-110, C.R.S.

2. Notice of Violations

- A. Whenever the health officer determines there has been a violation of any pertinent provision of these Regulations, the health officer will give written notice of such violation to the property owner. Such Notice of Violation will specify the violation(s), provide a reasonable time for correction, not exceed 30 days, and be addressed to the owner of the property concerned.
- B. The written Notice of Violation will be given to the property owner by personal service or registered or certified mail, return receipt requested. Service will be complete as to the date of the certificate of mailing or hand delivery.
- C. If service is made by posting the Notice of Violation in a conspicuous place, the health officer shall include in the record a statement as to why the posting was necessary.
- D. The property owner shall apply for a repair permit within two (2) business days of receipt of the Notice of Violation or the health officer may proceed with a cease and desist order.
- E. If all documentation pursuant to Section 4.2 has not been submitted to the health officer within seven (7) days of the submission of the application, the health officer may proceed with a cease and desist order.
- F. Upon receipt of a Notice of Violation for a malfunctioning system, the property owner shall pump the septic tank and provide documentation of the pumping to the Department within seven (7) days of the pumping. Additional pumping of the septic tank may be required during the repair process if the health officer determines that the malfunction continues to constitute a nuisance or hazard to public health.

3. Stop Work Notice

- A. If work is done without a permit issued by the health officer, the health officer shall post a stop work notice on the property and issue a Notice of Violation. Work cannot continue until the health officer issues the appropriate permit. Failure to cease work shall result in a cease and desist order and suspension or revocation of the Systems Contractor's license.

4. Cease and Desist Orders

- A. The health officer may request that the Board of Health issue an order to cease and desist from the use of any OWTS or sewage treatment works which is found by the health officer not to be in compliance with these Regulations or the OWTS Act or is found to constitute a hazard to public health or has not otherwise received timely repairs under the provisions of section 25-10-106 (1) (j), C.R.S.
- B. Such an order may be issued only after a hearing which will be conducted by the Board of Health not less than 48 hours after written notice thereof is given to the owner of the property on which the system is located. The order shall require that the owner bring the system into compliance or eliminate the health hazard within a reasonable period of time, not to exceed 30 days, or thereafter cease and desist from the use of the system.
- C. After the health officer verifies the OWTS or sewage treatment works is in compliance with these Regulations or the hazard to public health has been eliminated, the health officer will schedule a hearing with the Board of Health to lift the cease and desist order. The health officer may issue a letter allowing temporary use of the OWTS or sewage treatment works while the Board of Health hearing to lift the order is pending.
- D. A cease and desist order issued by the health officer will be reviewable in the district court for the county wherein the system is located and upon a petition filed not later than ten (10) days after the order is issued.

5. Penalties

- A. Any person who commits any of the following acts or violates any of the provisions of this section commits a Class 1 petty offense as defined in section 18-1.3-503, C.R.S.:
 - 1. Constructs, alters, repairs, installs, or permits the use of any OWTS without first having applied for and received a permit pursuant to Sections 4 and 5 of these Regulations and section 25-10-106, C.R.S.;
 - 2. Constructs, alters, or installs an OWTS in a manner which involves a knowing and material variation from the terms or specifications contained in the application, permit or variance;
 - 3. Violates the terms of a cease and desist order that has become final under the terms of Section 12.4, above, and section 25-10-106 (1) (k), C.R.S.;
 - 4. Conducts a business as a systems contractor without having obtained the license provided for in Section 8.1 of these Regulations and section 25-10-109 (1), C.R.S.;

Section 12 Enforcement

5. Conducts a business as a systems cleaner without having obtained the license provided for in Section 9.1 of these Regulations and section 25-10-109 (2), C.R.S.;
6. Falsifies or maintains improper records concerning system cleaning activities not performed or performed improperly; or
7. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by these Regulations.