

Administrative Enforcement:

The Rainleader Disconnect Program is using a form of enforcement called administrative adjudication. In the past several years, many cities have opted to use this process which issues a civil penalty rather than a criminal charge.

Those charged with a violation still have due process rights to a hearing before a neutral Hearing Officer and rights of appeal, but this process is timelier and avoids the stigma of a criminal record for violators.

The process is intended to be more informal and less intimidating for all property owners and is also less costly, since it does not usually involve the use of attorneys.

Typical RDP Violation Procedures:

- 1) Initial inspection reveals violation
- 2) Violation is entered in KIVA and database then a Violation Letter is sent to the property owner.
- 3) Violator is given either 30 days (Residential) or 60 days (Commercial) to respond to the letter depending on violation type.
- 4) I) Permit is filed and the property owner has one year to complete the work and come into compliance. II) Time Extension is filed for 1 to 3 years.
- 5) The property is re-inspected and the file is closed if work is complete.
- 6) All properties that haven't responded or are haven't finished their work before the permit expires are contacted and an inspector is sent to advise the property owner or representative of options for compliance.

RDP Procedure for Administrative Adjudication:

If a violator fails to respond to the violation letter or hasn't finished work within a year of receiving a permit the RDP will take the following steps:

- 1. Property owners are contacted by phone or in person.**
- 2. Non-Compliance Warning Letter sent stating:**
 - Property violation information
 - Proper procedures necessary to avoid a fine and gain compliance
 - Information regarding consequences of non-compliance through a \$750, \$1500, and \$2000 Administrative fine
 - Contact Information

3. Administrative Citation issued stating:

- Property violation information
- Proper procedures necessary to avoid a fine and gain compliance
- Consequences of non-compliance through a \$750 fine
- Procedure and information for paying the fine
- Appeals procedures
- Contact Information

4. Additional Administrative Citations issued:

If property owners do not respond within 30 days they are given a citation with a \$1500 fine. Every 30 days beyond the second citation other citations will be issued with \$2000 fines.

5. Fines Assessed: and/or license revoked

If a property owner or representative has not filed for a permit with contractor information and an approved plan for disconnection within 30 days of original citation date fines will be assessed to the property.