

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**REVISIONS
PURSUANT TO MINNESOTA STATUTES §103D.341**

**Adopted May 26, 2011
Effective June 1, 2011**

ENFORCEMENT RULE

1. INVESTIGATION OF NONCOMPLIANCE. District staff may enter and inspect a property in the watershed to determine whether a violation of one or more District rules, a permit or an order exists or whether land-disturbing activities have been undertaken in violation of District permitting requirements.

2. ADMINISTRATIVE COMPLIANCE ORDER. Upon finding a probable violation and failure of the property owner to apply or permittee to take necessary corrective steps, the District may immediately issue a compliance order. A District compliance order may require a property owner to apply for an after-the-fact permit and/or effect corrective or restorative actions. A District compliance order may require that land-disturbing activities on the property cease.

(a) The Board of Managers has delegated authority to issue compliance orders to District staff.

3. BOARD HEARING. A compliance order issued by the District will include notice of or be followed by a notice to the property owner and/or permittee of a hearing before the Board of Managers. After notice and hearing, the Board of Managers may determine that the noncompliance or violation has been corrected and rescind the compliance order. If the Board of Managers determines that the noncompliance or violation has not been corrected, it may extend the compliance order or issue a new order finding a party in violation of a District compliance order, rule, permit or other order and directing the party to take action to correct or mitigate the effects of the violation or restore the site.

4. DISTRICT COURT ACTION. The Board of Managers may seek judicial enforcement of an order and recovery of associated legal costs and fees, as provided by Minnesota Statutes chapter 103D, through a civil or criminal action pursuant to Minnesota Statutes section 103D.545 and 103D.551.

5. LIABILITY FOR ENFORCEMENT COSTS. The permittee or owner of a property that is the subject of District enforcement efforts will be liable for associated costs incurred by the District, including but not limited to the costs of inspection and monitoring of compliance, engineering and other technical analysis, legal fees and costs, and administrative expenses.