

5501:1-8-09**Enforcement procedures; violations.**

- (A) The director delegates responsibility to the administrator to determine whether violations of the applicable statutes, rules, orders and permits have occurred or are threatened. The office shall investigate violations or threat of violation of the statutes, rules, orders and permits.
- (B) If the administrator has reason to believe that any person or entity has installed, erected, constructed, established, changed or altered or is commencing to install, erect, construct, establish, change or alter a structure or object of natural growth for which a permit appears to be required but for which no application has been filed or for which an application has been filed but denied, or for which any of the conditions of the permit are not being complied with, the administrator may:
- (1) Notify such person or entity to appear at a hearing and show cause why a permit is not needed or why the conditions of which should not be complied with and why an order should not be issued by the administrator to remove the structure or object of natural growth or to cease and desist from such violation; or
 - (2) When immediate action is needed, institute an action in a court of competent jurisdiction to prevent, restrain, correct, or abate any violation or threatened violation of Chapter 4561 of the Revised Code or any rule adopted or order issued thereunder.
- (C) Notices to show cause shall be sent by certified mail, return receipt requested, to the person who owns or controls the structure or land upon which the structure or object of natural growth is situated or proposed to be situated. The notice shall state the location, type of structure or object of natural growth and the reasons the structure or object of natural growth should have a permit, or is in violation of the statutes, rules, orders or permits of the office and may request that the structure or object of natural growth be removed or the violation be corrected voluntarily within a reasonable amount of time. The notice shall also state a date and time for the show cause hearing. All such hearings shall be conducted in accordance with Chapter 119 of the Revised Code
- (D) If, upon such hearing, the administrator finds that the structure or object of natural growth is subject to permit under the applicable statutes and rules, the administrator shall issue and cause to be served upon the person to whom the notice was directed an order setting forth findings and conclusions. The administrator may direct that the person cease and desist from installing, erecting, constructing, establishing, changing or altering such structures or objects of natural growth or may issue an order of removal of such structure or object of natural growth that has already been installed, erected, constructed, established, changed or altered. A cease and desist order or order

of removal issued under this rule shall be enforceable and may be appealed pursuant to Chapter 119 of the Revised Code.

Replaces: 5501:1-10-13

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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