

Virgin Islands Administrative Code Currentness

Title 12. Conservation

Chapter 21. Virgin Islands Coastal Zone Management

Subchapter 913. Enforcement

12 V.I. R. & Regs. § 913-1

913-1. Cease and Desist Orders.

(a) The Commissioner or the Committee may issue a written order directing any person to cease and desist from any activity which may constitute a violation of the Act. Said activities shall include but not be limited to the following:

(1) Undertaking, or in any manner threatening to undertake, any activity that may require a Coastal Zone Permit without first securing such a permit.

(2) Any activity which is inconsistent with or in violation of any provision of a Coastal Zone Permit.

(3) Failure to timely submit to the Committee or the Commissioner, in accordance with the provisions of a Coastal Zone Permit, any required information, or failure to submit such information in a complete and accurate fashion.

(b) A cease and desist order shall be effective upon issuance by the Committee or the Commissioner and shall be served by certified mail or by hand delivery upon the person or persons whose activity may constitute a violation of the Act, upon the permittee, and/or upon the owner of record of the property on which the violation has or will take place, or upon the agent or agents of any such person.

(c) A cease and desist order shall state the alleged violation and may state the steps necessary to ensure compliance with the Act including but not limited to the immediate removal of any fill or other material, or the setting of a time limit within which a Coastal Zone Permit shall have been applied for.

(d) A cease and desist order shall state the time and place for a hearing for the purpose of determining the facts relating to the alleged violation of the Act and of determining an appropriate remedy. The hearing shall be scheduled for a date no later than seven working days after issuance of the order, provided that a reasonable postponement may be granted on the request of the person to whom the order is directed. A hearing is required regardless of whether the person or persons whose activity is alleged to constitute a violation of the Act chooses to attend or be represented; Provided, That the hearing may be cancelled if the violation is remedied prior to the date of the hearing.

(e) In the case of a cease and desist order issued by the Commissioner, the Commissioner or his designee shall preside at the hearing; otherwise, the Chairman of the Committee or his designee (who shall be a member of the Committee) shall preside. If he deems it necessary, the presiding officer may arrange for a verbatim transcript of the hearing to be prepared.

(f) At any hearing the person or persons whose activity is alleged to constitute a violation of the Act shall have an opportunity to be heard, to present evidence, and to cross-examine witnesses.

(g) Promptly after the hearing, the presiding officer shall make his determination in writing, which shall be accompanied by findings of fact and conclusions of law in support thereof. In the case of a cease and desist order issued by the Committee, the Committee shall have an opportunity to review and amend said determination and the supporting findings and conclusions. Said determination, together with supporting findings and conclusions, shall be promptly served on all persons upon whom the cease and desist order was served and shall be made available to other interested persons. If the presiding officer determines that a violation has occurred, then the determination may also include:

(1) In the case of violation of an existing Coastal Zone Permit, an order that the violations be remedied by fulfilling the requirements and conditions of the permit (including restoration); or that an amendment to the Coastal Zone Permit be applied for;

(2) In the case of undertaking of activity without obtaining a Coastal Zone Permit, an order that application be made for a Coastal Zone Permit and/or that appropriate remedial action be taken at the site of the violation;

(3) A statement that the cease and desist order shall remain in effect until lifted by the presiding officer only after prescribed steps are taken which are designed to ensure compliance with the Act;

(4) A recommendation that a revocation proceeding be instituted (see section 913-2);

(5) A recommendation that violations be prosecuted by the Attorney General or other appropriate authority before the appropriate court or administrative tribunal (see section 913(c) of the Act); and

(6) Any other appropriate statement, order of remedial action, or recommendation.

If the presiding officer determines that there has been no violation of the Act, then the cease and desist order shall immediately terminate.

Current through November 19, 2018

