THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SINT MAARTEN

Considering:
That it is necessary in order to protect the environment to limit it being burdened by wastewater and to prevent this as much as possible, and to that extent establishing regulations with regards to wastewater;

Taking into account the Third Protocol of the Cartagena Convention regarding the prevention, reduction and control of pollution of the marine environment by land-based sources and activities;

Taking into account Article 24, paragraph two ad Article 91, paragraph one of the Islands Arrangement Netherlands Antilles;

Has decided:
To decree the following Island Ordinance:

SECTION I: GENERAL

ARTICLE 1
1. For the purpose of applying this Ordinance, the following terms mean:
   (a) waste water: water that comes from residences, businesses, industrial processes or otherwise, that contains waste substances, polluting substances or damaging substances;
   (b) residential wastewater: wastewater originating from residences;
   (c) commercial wastewater: wastewater not originating from residences;
   (d) discharging: bringing wastewater into the ground, sewage system, ground water, surface water or marine environment, no matter the manner in which this happens;
   (e) sewage system: facility for the collection and transportation of waste water, for the maintenance of which the Executive
Committee or a manager appointed by the Executive Committee is responsible;

(f) purification technical work: facility for the purification of waste water, for the maintenance of which the Executive Committee or a manager appointed by the Executive Committee is responsible;

(g) residential space: a space that according to the way it is furnished serves the purpose of an individual entity providing a residence and of which the separate parts according to the way they are furnished are do not serve the purpose of being used as an individual entity;

(h) commercial space: a space or terrain that due to its nature and furnishings is deemed to be an individual entity, not being a residential space.

2. By means of a General Island Resolution it can be determined that commercial waste water that originates from businesses or institutions as categorized by that Resolution and that as far as its nature and contents is comparable to residential waste water is to be equated to residential waste water with regards to the application of this Ordinance.

ARTICLE 2
1. By means of a General Island Resolution a manager can be appointed that in part or in whole carries out the tasks and authorities that are placed with the Executive Committee on the basis of this Island Ordinance. In that Resolution the tasks and authorities are mentioned that are placed with the manager, with the necessary instructions, conditions and limitations.

2. Only a civil servant, service or company of the Island Territory of St. Maarten or a legal entity, established in accordance with the provisions of Netherlands Antillean law, can be appointed as manager.

ARTICLE 3
Everyone is obliged to take care of the ground, the ground water, the surface water, and the marine environment such that negative effects for the environment that could be caused by their actions or omissions are in as far as that can reasonably be required, prevented or, if that is not possible, limited as much as possible.

SECTION II: COLLECTION, TRANSPORTATION AND PURIFICATION OF WASTE WATER

ARTICLE 4
1. The Executive Committee is responsible for the effective collection, transportation and purification of wastewater on the parcels in the island territory. The Executive Committee in as far as possible to this extent is responsible for the construction, management and maintenance of the sewage system and purification technical works.
2. The Executive Committee in as far as is necessary provides the possibility to offer residential wastewater for collection in instances that there is no connection to the sewage system.
3. The Executive Committee can also provide the possibility to offer residential wastewater coming from boats that visit the island.

ARTICLE 5
1. The Executive Committee establishes a wastewater plan at least once every five years that provides direction for the decisions regarding the collection, transportation and purification of waste water to be made in the next five years.
2. The plan at least includes:
   (a) an overview of the facilities available in the island territory for the collection, transportation and purification of waste water and an indication of the dates that these facilities are expected to need to be replaced;
   (b) an overview of the facilities as meant in sub-paragraph (a) to be constructed or replaced in the period of time the plan covers;
   (c) an overview of the number of connections of parcels in the island territory to the facilities as meant in sub-paragraph (a) and the nature and composition of the waste water discharged to these facilities;
   (d) an overview of the manner in which the facilities as meant in sub-paragraph (a) are or will be managed;
   (e) the effects for the environment of the facilities as meant in sub-paragraph (a) and of the activities indicated in the plan;
   (f) an overview of the amount, nature and composition of the waste water that is collected other than by means of the public sewage system;
   (g) an overview of the financial effects of the construction, management and maintenance of the facilities as meant in sub-paragraph (a) and the activities indicated in the plan.

ARTICLE 6
1. The Executive Committee involves the most interested administrative organs, institutions and organizations in the preparation of the wastewater plan.
2. The draft wastewater plan will be made available for review by the public for four weeks. This is in any case announced in one or more daily newspapers.
3. During the period of time meant in paragraph two any person has the opportunity to submit their written objections to the draft.
4. The draft wastewater plan is considered by the Island Council within at least two weeks of the termination of the period of time mentioned in paragraph two.

ARTICLE 7
1. It is forbidden to discharge waste water into the sewage system that contains substances that have been cut or ground by cutting or grinding apparatuses or that by means of any other activity endanger the proper working of the public sewage system and purification technical works.
2. A General Island Resolution can establish further regulations with regards to paragraph one.

ARTICLE 8
1. It is forbidden to discharge wastewater other than by means of the sewage system if the distance to the nearest sewage system does not exceed the distance to be determined by a General Island Resolution. This distance can differ with regards to residential wastewater and commercial wastewater as well as for existing and new discharges.
2. A General Island Resolution establishes further regulations regarding the request to be connected to the sewage system, the manner in which the connection is made and the manner in which it is financed.
3. A General Island Resolution can – under conditions to be described in that Resolution – further determine that waste water with a composition as indicated in the Resolution does not have to be discharged into the sewage system for the purpose of irrigation.

SECTION III: PERMIT OBLIGATION

ARTICLE 9
1. It is forbidden to discharge wastewater without a permit from the Executive Committee.
2. The obligation of a permit does not apply to the discharge of residential waste water by private households and to the discharge of commercial waste water that in accordance with Article 1, paragraph two has been equated to residential waste water for the application of this Ordinance.
3. A General Island Resolution establishes regulations for discharges as meant in paragraph two.
4. A General Island Resolution can indicate categories of businesses that do not require a permit, with regulations in that Resolution that apply to those businesses.

ARTICLE 10
1. The request for a permit as meant in Article 9 is submitted to the Executive Committee in writing.
2. The applicant submits all the information and documentation that are needed for the processing of the request.
3. A General Island Resolution establishes regulations regarding the manner in which the request for a permit is made and which information is to be provided.
4. Without prejudice to the above, a fee is due for the processing of a request. A General Island Resolution determines the amount of the fee and the manner in which it is to be paid.
5. If the regulations to be set have not been met or if the fee is not paid, the request will not be processed. The applicant is informed in writing of this.

ARTICLE 11
A General Island Resolution establishes regulations regarding the manner in which the general public is involved in the making of a decision concerning the requested permit or the amending of such a decision as well as regarding the manner in which the decision is made known.

ARTICLE 12
1. The Executive Committee decides within sixty days after receiving the request, which decision is in writing and is motivated.
2. The Executive Committee can extend this period of time once for a maximum of thirty days.
ARTICLE 13
1. Conditions for the protection of the environment and for the protection of the proper working of the public sewage system and the purification technical works are attached to a permit as meant in Article 9.
2. In so far as the attaching of conditions to the permit can not prevent the discharging of waste water negatively effecting the environment, conditions are attached to the permit that offer the greatest amount of protection against such effects unless this in all reasonableness can not be demanded.
3. The permit’s conditions indicate the aims that the permit holder - in the interest of protecting the environment - should achieve in the manner as he determines. These conditions can mean that the measures as indicated must be applied to protect the environment.
4. The permit holder provides the Executive Committee with all the information that it can reasonably want in the execution of its task.
5. For the protection of the environment, a permit can be granted with limitations.

ARTICLE 14
1. A permit can be retracted or officially amended by the Executive Committee in whole or in part if:
   (a) the information provided with the request for the permit is incorrect or incomplete to such an extent that the request would have been denied or a different decision would have been given if the correct or complete information had been available at the time of processing the request;
   (b) the conditions attached to the permit or its limitations are not upheld or if in any other way actions not in line with permit take place;
   (c) after the permit is granted new circumstances occur or insights come forward that would have led to the permit being denied or it being granted with limitations or conditions attached.
2. Upon request of the permit holder, the permit can be amended if the interest of protecting the environment or the proper working of the sewage system and the wastewater purification installation does not oppose such.
3. The first and second paragraphs equally apply to the amending of conditions attached to the permit or its limitations.

ARTICLE 15
In granting, amending or retracting a permit and in attaching conditions to a permit or limiting it, the prohibited substances as determined by a General Island Resolution and the limited values as meant in Article 17 are respected and the waste water plan as meant in Article 3 is kept in mind, as well as the water quality goals if these have been determined on the basis of Article 18.

ARTICLE 16
A permit can be denied if the granting thereof is not in line with the interest in protecting the environment or the proper working of the public sewage system and purification technical works.

SECTION IV: LIMITED VALUES
ARTICLE 17
1. A General Island Resolution can indicate substances that it is forbidden to discharge.
2. A General Island Resolution can limit values for the discharging of substances it indicates as well as establish regulations regarding the manner in which these substances are measured. These limited values can differ for discharging into the sewage system or otherwise and can in concern:
   (a) the maximum allowable concentration of those substances;
   (b) the maximum allowable weight of those substances per indicated unit.
3. In the Resolution meant in paragraphs one and two a period of time is set regarding every forbidden substance or limited value, after the completion of which term the prohibition or limited value applies to the discharging of substances for which there is a permit at the moment that Resolution comes into effect.
4. It is forbidden to surpass an applicable limited value when discharging wastewater.
5. The prohibitions in the first and fourth paragraphs do not apply to the discharging of residential waste water by private households and to the discharging of commercial waste water that in accordance with Article 1, paragraph two has been equated to residential waste water for the application of this Ordinance in so far as the discharging of this waste water concerns normal household use.
6. The concentration of substances in wastewater meant in paragraph two cannot be achieved by means of dissolution.

SECTION V: WATER QUALITY GOALS

ARTICLE 18
A General Island Resolution can establish water quality goals with regards to the surface water and the marine environment that should be met within the periods of time as indicated.

SECTION VI: FINANCIAL PROVISIONS

ARTICLE 19
The Island Council establishes a charge for those who discharge wastewater in order to counter the costs of measures for the fighting and prevention of pollution of the ground, the ground water, the surface water and the marine environment.

ARTICLE 20
The Island Council spends the amount of the collected charges on the costs of measures for the prevention of pollution of the ground, the ground water, the surface water and the marine environment, which in any case includes the construction, management and maintenance of the sewage system and the purification technical works.

ARTICLE 21
1. By means of measuring, research and analysis of the water usage by private households and businesses, also based on the drink water usage of those households and businesses, a pollution unit – named resident equivalent – is determined that serves as a
basis for determining the amount of the charge per category private household or business.

2. The amount of the charge is expressed in an amount per resident equivalent, which amount differs for discharges into and discharges outside of the sewage system, multiplied by the number per category private household or business determined resident equivalents.

ARTICLE 22
In establishing the amount of the charge, the following categories of households and businesses are differentiated, whereby per category it is indicated how the tariff is determined:

(a) private households, that are not obliged to discharge into the sewage system as per Article 8: a set tariff per residential space;
(b) private households that are obliged to discharge into the sewage system as per Article 8: a set tariff per residential space;
(c) businesses with commercial wastewater that as per Article 1, second paragraph for the application of this Ordinance is equated with residential wastewater, that are not obliged to discharge into the sewage system as per Article 8: a set tariff per commercial space, differentiated according to the type of business and the size of the business;
(d) businesses as meant under sub-paragraph (c) that are obliged to discharge into the sewage system as per Article 8: a set tariff per commercial space, differentiated according to the type of business and the size of the business;
(e) businesses not meant under sub-paragraphs (c) and (d): the amount or the quality or both of the discharged wastewater.

ARTICLE 23
1. The tariffs of the charge per category private household or business as meant in sub-paragraphs (a) up to and including (d) of Article 22 are determined in accordance with the addendum to this Ordinance.
2. A General Island Resolution can amend the tariffs meant in the first paragraph with a maximum of 5% per calendar year.
3. The tariffs of the charge for a business as meant in Article 22, sub-paragraph (e) is established per businesses or if possible per type of business by the Executive Committee, whereby the tariffs for discharging into or outside of the sewage system can differ.

ARTICLE 24
1. The charge is charged to the user of a residential space or commercial space.
2. The following are deemed to be users of a residential or commercial space:
   (a) those that use the residential or commercial space, judged on the basis of the circumstances;
   (b) in the event a part of the residential or commercial space that is not separated is provided for use: those that provide that space for use;
   (c) in the event on the basis of the above no user can be identified: those that have the enjoyment of the residential or commercial space on the basis of ownership, possession or a limited right.
3. For the application of the second paragraph, sub-paragraph (c), those that at the commencement of the charge period are recognized as such by the Land Registry are
deemed to be the enjoyer of a right of ownership, possession or a limited right, unless it becomes evident that they were not such an enjoyer at that time.

4. If an enjoyer as meant in the second paragraph, sub-paragraph (c) that is obliged to discharge into the sewage system on the basis of Article 8 makes it credible that the residential or commercial space is not used at all for more than six months and does not discharge wastewater, the Executive Committee can - on his written request – grant a discount on the charge as of the date that the period of six months has elapsed to the amount that for would be charged for that residential or commercial space if it was not connected to the sewage system.

ARTICLE 25
The charge is charged per calendar month.

ARTICLE 26
1. The charge is charged by means of a dated written notification, issued by or on behalf of the Executive Committee.
2. The Executive Committee determines the format and design of the notification.

ARTICLE 27
The charge is due and payable within two weeks of the notification being issued.

ARTICLE 28
1. If the execution of the charge is transferred to a manager not falling under the Island Territory, the Articles 5, 6, first and second paragraph, Articles 7, 9, and 11, first paragraph of the Collection Ordinance 1970 (AB 1970, 3) equally apply to the collection of the charge, in the understanding that instead of “the receiver” and “tax assessment” should be read: “manager” respectively “notification”.
2. In charging, no quittance is granted.

ARTICLE 29
A General Island Resolution can establish further regulations regarding the charge mentioned in the previous Articles.

SECTION VII: OBJECTION AND APPEAL

ARTICLE 30
1. A natural person or legal entity whose interest is directly involved in a decision made on the basis of pr pursuant to this Island Ordinance by or on behalf of the Executive Committee can submit an objection against such to the Executive Committee within six weeks after the day that the decision was sent or issued to the person to who it is directed.
2. A natural person or legal entity whose interest is directly involved in a decision made on the basis of pr pursuant to this Island Ordinance by or on behalf of a legal entity not belonging to the Island Territory, can appeal such to the Executive Committee within six weeks after the day that the decision was sent or issued to the person to who it is directed.
3. The objection or appeal is signed and must at least contain:
(a) the name and address of the submitter;
(b) the date;
(c) a description of the decision against which the objection or appeal is aimed;
(d) the grounds for the objection or appeal.

4. Regarding an objection or appeal submitted after the period of time has elapsed, the declaration of non-admissibility on the basis thereof does not take place if in all reasonableness it can not be ruled that the submitter is in default.

ARTICLE 31
1. The effect of a decision that has been made on the basis of or pursuant to this Island Ordinance but that has not been made pursuant to Section VIII of this Island Ordinance, is suspended until the period of time for objection or appeal has elapsed or, if an objection or appeal is submitted, there is a ruling regarding the objection or appeal.
2. An interested party as well as the body that made the contested decision can request the Court of First Instance of the Netherlands Antilles to revoke the suspension in whole or in part on the grounds of important interests.

ARTICLE 32
1. The Island Executive Committee decides within ten weeks after receiving an objection or appeal.
2. The decision can be delayed in so far as the submitter of the objection or appeal agrees to such and other interested parties are thereby not harmed in their interests or agree to such.
3. Before deciding with regards to an objection or appeal, the Executive Committee gives interested parties the opportunity to be heard.
4. If the objection or appeal is admissible, the decision is reconsidered on the basis thereof.
5. In so far as reconsideration is cause thereto, the Executive Committee revokes the decision and – in as far as necessary – makes a new decision.
6. The decision regarding the objection or appeal is motivated and is made known to those involved in writing.

ARTICLE 33
1. The submitter of the objection or appeal as well as, when applicable, those to whom the contested decision was directed, can appeal the decision regarding the objection or appeal with the Court of First Instance of the Netherlands Antilles within six weeks if it does not concern a decision made on the basis of or pursuant to Section VI.
2. The submitter of an objection, the submitter of an appeal with the Court as well as the body that made the contested decision regarding the decisions meant in paragraph one, can appeal a ruling of the Court of First Instance of the Netherlands Antilles with the Joint Court of Appeals of the Netherlands Antilles and Aruba.

ARTICLE 34
The submitter or the objection or appeal with the Executive Committee as well as, when applicable, those to whom the contested decision was directed, can appeal a decision with the Appeals Committee for Taxation Issues if it concerns a decision on the basis of or pursuant to Section VI.
SECTION VIII: MONITORING AND ADMINISTRATIVE ENFORCEMENT

ARTICLE 35
1. The Executive Committee is responsible for seeing to the monitoring compliance and the administrative enforcement of the provisions based on or pursuant to this Island Ordinance.
2. The Executive Committee has the authority to use administrative duress with regards to the execution of the responsibility in the first paragraph, with which is meant physical actions against that which is in conflict with or is done, kept or omitted in conflict with an obligation on the basis of or pursuant to this Island Ordinance.
3. The monitoring of compliance with that which is provided by or pursuant to this Island Ordinance is assigned to:
   (a) the civil servants appointed by the Executive Committee, which appointment is made known in a daily newspaper;
   (b) the manager, in as far as is provided in Article 36, paragraph six.

ARTICLE 36
1. A person responsible for monitoring compliance is authorized – only in as far as this is reasonably necessary for the execution of his task – to:
   (a) demand information;
   (b) demand inspection of the books, documents and other information carriers and to make copies of these or take these along temporarily for that purpose in exchange for written proof thereof;
   (c) subject goods to inspection, take samples thereof and temporarily take these with him for that purpose in exchange for written proof thereof;
   (d) enter all places except for residences without the resident's express permission, possibly accompanied by persons indicated by him;
   (e) enter residences or parts of vessels used as a residence without the resident's express permission;
   (f) inspect boats, stationary vehicles and the cargo thereof.
2. If necessary, entry to a place as meant in paragraph one, sub-paragraph (d) is obtained with the police's help.
3. Title X of the Third Book of the Code of Criminal Procedure applies to the entry of residences or areas in vessels used as residences as meant in the first paragraph, sub-paragraph (e), with the exception of Articles 155, paragraph four, 156, paragraph two, 157, paragraphs two and three, 158, paragraph one, last phrase and 160, first paragraph, in the understanding that the authorization for the persons indicated pursuant to Article 35, third paragraph, sub-paragraph (a) is given by the Lieutenant Governor.
4. Everyone is obliged to cooperate fully with the persons responsible for monitoring compliance.
5. A company that distributes drink water is obliged to cooperate fully with the persons responsible for monitoring compliance.
6. The manager has the authority listed in the first paragraph, sub-paragraphs (a) up to and including (d) with regards to persons obliged to pay the charge, whereby the second, fourth and fifth paragraphs equally apply.
ARTICLE 37
1. In the execution of his task, the persons responsible for monitoring compliance carry an identification card with them issued by the Lieutenant Governor. If so requested they immediately show their identification.
2. The identification card includes a photograph of the person responsible for monitoring compliance and at least mentions his name and capacity.
3. A General Island Resolution can establish regulations with regards to the manner in which persons responsible for monitoring compliance carry out their task.

ARTICLE 38
1. The Executive Committee is authorized to have removed, evicted, prevented returned in the previous condition or done that which is done, kept or omitted in conflict with the provisions on the basis of or pursuant to this Island Ordinance.
2. A decision to apply administrative duress is made in writing and qualifies as an order. The decision mentions which regulation has been violated.
3. It is made known to the violator and other interested parties.
4. The decision includes a period of time within which the violator and possible other interested parties can prevent the enforcement by means of taking the measures in the decision themselves. No period of time has to be granted if the required urgency opposes such.
5. If the situation is so urgent that the Executive Committee can not put the decision to apply administrative duress in writing beforehand, it sees to putting the decision in writing and making it known as soon as possible.
6. The Executive Committee is authorized to give instructions to the violator and other possible involved parties with regards to the activities regarding which administrative duress is applied, in the interests of protecting the environment.
7. Everybody is obliged to cooperate fully with the Executive Committee in so far as demanded on the basis of paragraph six.

ARTICLE 39
1. The violator must pay the costs related to the use of administrative duress unless these costs should not reasonably in whole or in part be for his account.
2. The order mentions that the costs for the use of administrative duress are for the offender's account.
3. If the costs in whole or in part will not be for the offender's account, the order will state so.
4. The costs as meant in paragraph one include the costs related to the preparations for administrative duress in as far as these costs are made after the period of time meant in Article 38, paragraph four has expired.
5. The costs are also due if administrative duress is not used or not used in full due to the discontinuance of the illegal situation.

ARTICLE 40
1. The Executive Committee can by means of an enforcement order demand payment by the violator of the costs due, increased with collection costs.
2. The enforcement order is served by bailiff's writ at the violator’s expense and is an enforceable title as meant in the Second Book of the Code of Civil Procedure of the Netherlands Antilles.
3. During the six weeks following the day of the serving opposition to the enforcement order can be lodged by summoning the public legal person of the Island Territory St. Maarten.
4. The opposition suspends the execution. Upon request of the Island Territory St. Maarten the Court in First Instance can lift the suspension of the execution.

ARTICLE 41
The costs related to the use of administrative duress are privileged with regards to the items for which they are incurred and are paid with the proceeds from the items after the costs meant in Article 1165 sub-paragraph (4) of the Code of Civil Procedure of the Netherlands Antilles are satisfied.

ARTICLE 42
1. In order to execute a decision to apply administrative duress, the persons so indicated by the Executive Committee have access to any place in as far as this is reasonably necessary in order to carry out their task.
2. The indicated persons also have the authorities and obligations meant in Article 36, paragraph one, Article 37 and 46.

ARTICLE 43
Included in the authority to apply administrative duress is the sealing of buildings, terrains and that which is in or on them.

ARTICLE 44
1. Included in the authority to use administrative duress is the taking and storing of items that can be taken and stored in as far as this is necessary for the use of administrative duress.
2. If property is taken and stored, the Executive Committee make an official report of that, a copy of which is given to the interested party.
3. The Executive Committee is responsible for the upkeep of the stored items and return these to the entitled person as soon as this is reasonably necessary.
4. The Executive Committee is authorized to postpone returning items until the costs due are paid. If the entitled person is not the violator, the Executive Committee is authorized to postpone returning items until the costs of upkeep are paid.
5. The Island Territory is not liable for returning the stored items to an unauthorized person.

ARTICLE 45
1. The Executive Committee is authorized, if a stored item can not be returned to the entitled person within thirteen weeks after the storing, to sell it or, if sale in their opinion is not possible, give the ownership of the item to a third party free of charge or have it destroyed.
2. The Executive Committee has the same authority during that period of time as soon as the costs related to the use of administrative duress, increased with the estimated costs of the sale, transfer of ownership free of charge or destruction become disproportionately high with regards to the value of the items.
3. Sale, transfer of ownership free of charge or destruction do not occur until two weeks have passed since a copy of the official report regarding the taking and storing was given unless it concerns dangerous substances or items that contain substances that will spoil sooner than that.
4. For a period of three years after the time of sale the person who was the owner at that time is entitled to the proceeds of that item, with a deduction of the costs of the sale and the costs of the use of administrative duress. If the entitled person is not also the violator, the costs of the use of administrative duress are not deducted from the proceeds.

5. The Island Territory is not liable for giving the sale proceeds to an unauthorized person.

ARTICLE 46
1. Included in the authority to apply administrative duress is the stopping of work regarding activities whereby actions in conflict with the regulations of or pursuant to this Island Ordinance take place.
2. The stopping of work takes place by means of a person responsible for monitoring compliance handing over a signed and dated notification to the person carrying out the activity, which notification includes the reasons for stopping the work. If in the opinion of the person responsible for monitoring compliance this handing over is not possible, the stopping of work takes place by verbally notifying the most appropriate person in his opinion, as soon as possible followed by handing over a written notification to the person carrying out the activity.
3. The person carrying out the activity as well as the appropriate services in the opinion of the person responsible for monitoring compliance, are immediately notified of the order to stop work. The Department of Public Health and Environmental Safety and the Sector Spatial Development and Management of the Island Territory are also notified.
4. The person responsible for monitoring compliance can – upon the Executive Committee’s instruction – seal the equipment and attributes that are or can be used for the stopped work.
5. The person carrying out the activity is obliged to stop the work as long as the stopping of the work lasts.
6. The person responsible for monitoring compliance can – upon the Executive Committee’s instruction – take the necessary measures and give the necessary instructions in order to execute the stop.
7. Everybody is obliged to fully cooperate with the instructions of the person responsible for monitoring compliance on the basis of the sixth paragraph.

ARTICLE 47
1. The Executive Committee can, instead of using administrative duress, place a penalty on the violator by means of an order, if the interest of protecting the environment does not oppose such.
2. The Executive Committee determines the amount of the penalty either as one amount to be paid once or as an amount per period of time that the order is not executed or as an amount per violation of the order. It also determines an amount above which no more penalties will be forfeited. The amount determined should be proportionate to the severity of the violated interests and the effect that the placement of the penalty aims to have.
3. In the order to place a penalty that sees to undoing or ending a violation, a period of time is given during which the violator can execute the order without forfeiting the penalty.

ARTICLE 48
1. Forfeited penalties are for the Island Territory. The Executive Committee can collect the amount due by means of an enforcement order.
2. Article 40, paragraphs two, three and four apply.
ARTICLE 49
1. The Executive Committee can upon the violator’s request lift the penalty, suspend its application for a certain term, or reduce the amount of the penalty in the event of permanent or temporary impossibility on the part of the violator to fulfill his obligations.
2. The Executive Committee can upon the violator’s request lift the penalty if the order has been effective for a year without the penalty being forfeited.

ARTICLE 50
1. The authority to collect forfeited penalties becomes barred by limitation with the passing of a year after the date that they are forfeited.
2. The barring by limitation is suspended by bankruptcy and every statutory impediment regarding collection of the penalty.

ARTICLE 51
In the event of violation of that which is provided by or pursuant to Articles 3, 7, 8 third paragraph, 9 third paragraph, 17 first and fourth paragraph, 36 fourth paragraph, 38 seventh paragraph or 46 seventh paragraph by a citizen or a business that regarding wastewater on the basis of Article 1, paragraph two is equated to a private household, the Executive Committee can apply a penalty of a maximum of ANG two thousand per violation.

SECTION IX: CRIMINAL PROVISIONS

ARTICLE 52
1. He that violates that which is provided by or pursuant to this Ordinance is punished by imprisonment for a maximum of two months or a maximum monetary fine of ANG five thousand.
2. The criminal act mentioned in paragraph one is a misdemeanor.
3. If as the violation takes place not a year as passed since an earlier conviction of the guilty party for a similar violation became irrevocable, the maximum term of imprisonment or monetary fine for sentencing can be doubled.

SECTION X: OTHER, TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 53
Any person involved in the execution of this Island Ordinance and in doing so has access to information that he knows or reasonably should suspect to be confidential, and for whom a legal obligation of confidentiality on the basis of their office, their position or a statutory provision does not exist, is held to confidentiality except for so far as a statutory provision obliges him to make it known or his task in the execution of this Ordinance makes it necessary to make it known.

ARTICLE 54
1. A permit that has been granted on the basis of Article 6 of the Discharge Ordinance Sewage System Sint Maarten before this Island Ordinance comes into effect is equated to a permit as meant in Article 9 of this Ordinance.
2. If before that time a request is submitted for a permit on the basis of the Ordinance names in the first paragraph and there no irrevocable decision has been made yet, the law applicable right before that time remains applicable.

3. Regarding the discharging of commercial wastewater in a legal manner at the time that this Island Ordinance comes into effect for which no permit has been granted and the require a permit on the basis of Article 9, a permit request should be submitted within one year after the this time.

ARTICLE 55
The Discharge/Sewage Systems Ordinance Sint Maarten is revoked.

ARTICLE 56
This Island Ordinance comes into effect on the date as determined by a General Island Resolution that can be set at different times for the different provisions or parts thereof.

ARTICLE 57
The proclamation of this Island Ordinance is made known in one or more daily newspapers or publications.

ARTICLE 58
This Island Ordinance can be cited as “St. Maarten Wastewater Ordinance”.

As determined in the public meeting of November 12th, 2001.

The Secretary, The Chairman,
A.O. Muller M.S. Voges

I proclaim this Ordinance today, March 8th, 2002.

The Lieutenant Governor,
M.S. Voges