

RULE 20.4 - PERMIT RULE NONCOMPLIANCE

A. NOTIFICATION

When the General Manager first becomes aware that a Water Distribution System is operating without a Permit or is in violation of current Permit conditions, particularly the System Limits, he/she shall provide written notification to the Owner or Operator, if known, of the Water Distribution System that District Rule 20 has been violated. Copies of this notice shall be provided to each property owner receiving water from the unpermitted or non-complying Water Distribution System, to the extent known. Notice shall be deemed to have been given when the written notification has been deposited in the U.S. mail, postpaid, addressed to the Responsible Party, or when personally delivered. The Owner of the Water Distribution System shall file an application for a Permit to Create or Amend a Water Distribution System in accord with District Rule 21 or take action in accordance with District Rule 40 within sixty (60) days of notification.

For incomplete applications submitted in response to this Rule, failure to submit all information requested within the time limit specified by the General Manager shall result in enforcement pursuant to Rule 20.4-B, 20.4-C, and 20.4-D, unless due diligence is demonstrated and a written extension with a revised deadline is approved by the General Manager.

If a Water Distribution System had System Limits imposed prior to May 21, 2014 (the effective date of Ordinance No. 160), and meets the criteria for a Confirmation of Exemption without System Limits or a Level 1 Water Distribution System Permit without System Limits, the Owner may submit an application to remove the System Limits pursuant to the procedures specified in Rule 21-A and the Implementation Guidelines.

B. RECORD NOTICE OF NON-COMPLIANCE

1. If the Owner of a Water Distribution System has not filed the application within sixty (60) days of the date required in Section A above, the General Manager shall record Notices of Non-Compliance against all properties receiving water from the unpermitted Water Distribution System.
2. The General Manager shall cause Notices of Compliance to be recorded only at such time as the Water Distribution System has received a Permit pursuant to District Rules 20 and 22.

C. AUTHORIZATION TO FILE LAWSUIT & IMPOSE LIENS

If the Owner of an unpermitted Water Distribution System fails to file an application within thirty (30) days of the date a Notice of Non-Compliance is recorded, the General Manager is authorized to file suit in Monterey County Superior Court to compel compliance with any and all Permit requirements applicable to that Water Distribution System. Causes of action and relief sought may include, but are not limited to, nuisance,

temporary restraining order, and injunction. The General Manager shall recover all legal fees, costs and administrative expenses incurred in such action as a fee imposed by the District upon the unpermitted Water Distribution System. The General Manager shall record a lien against each and every property receiving water from the unpermitted Water Distribution System if the fee for these costs or expenses is not paid in full within ninety (90) days of invoice mailed to the Owner, provided the property upon which a lien is to be filed (i) has received a copy of that invoice, and (ii) that property has received water from the unpermitted Water Distribution System. Any lien authorized by this section shall not require prior Board approval as may be required for other liens pursuant to District Rule 113.

D. ADDITIONAL AUTHORITY

Creation, Establishment, Expansion or Extension of a Water Distribution System without a written Permit from the District is a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. The District may seek criminal prosecution and/or civil enforcement of its rules pursuant to this Section.

Rule added by Ordinance No. 118 ((12/13/2004); amended by Ordinance No. 122 (8/15/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 175 (11/14/2016)