

*Adopted May 19, 2008 -- Effective June 18, 2008*

**ORDINANCE NO. 133**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING ITS PROCESS TO ENFORCE  
DISTRICT RULES AND REGULATIONS**

**FINDINGS**

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.

2. The Board of Directors for the Monterey Peninsula Water Management District has determined that a need exists to modify the manner in which it may enforce the Rules and Regulations of the District.

3. Government Code section 53069.4 allows the District to enact an administrative enforcement process so long as a de novo court review of the enforcement decision is available to challenge the action taken. The Citation, Order, and Cease & Desist Order enforcement process created by this ordinance complies with the requirements of this provision of the Government Code.

4. Staff and District resources will be conserved and better utilized by adoption of streamlined enforcement. Enforcement issues have become increasingly varied and complex over the years.

5. Administrative review of enforcement matters will facilitate improved and more consistent rule compliance, reduce obstacles and time delays that result from criminal or civil enforcement, and result in more uniform application of the District's rules and procedures.

6. This ordinance shall amend District Rule 11, Definitions, to add new definitions.

7. This ordinance amends District Regulation XI, Enforcement, to provide a comprehensive administrative enforcement process.

8. This ordinance shall amend Rule 110, General Enforcement, to add a Cease & Desist Order process to provide the General Manager with full enforcement authority of District Rules and Regulations and all other policies adopted by the District including the

ability to collect all charges and penalties and to seek civil enforcement and/or criminal prosecution for permit rule noncompliance.

9. This ordinance adds Rule 110.5, Administrative Remedies, to provide authorization to use any administrative remedy for violation of District Rules and Regulations.

10. This ordinance moves the existing text of Rule 111, Charges and Penalty Assessments, to Rule 110-B.

11. This ordinance adds a new Rule 111, Administrative Citation, and adds sections A through C to address violations which are minor or transient in nature.

12. This ordinance adds Rule 111.5, Cease & Desist Order, to address violations which are serious, continuing or recurring.

13. This ordinance adds Rule 111.6, Alternate Enforcement, to allow the Board to refer compliance issues where the potential fine exceeds \$10,000 to an Administrative Law Judge retained through the California Office of Administrative Hearings (OAH) in accord with Government Code §27727.

14. This ordinance adds Rule 111.7, Notices, to identify how violation notice must be provided.

15. This ordinance renames Rule 112, Hearing Officers, to establish District Directors as Hearing Officers and determine compensation for this service.

16. This ordinance adds Rule 112.5, Hearing Officer Rotation to describe the process of rotation selection of Hearing Officers.

17. This ordinance moves the existing text of Rule 113, Liens, to Rule 119.3-A.

18. This ordinance adds Rule 113.1, Administrative Citation Fines, to establish the payment period for fines.

19. This ordinance adds Rule 113.2, Advance Deposit Hardship Waiver, to provide a hardship process for the advance deposit of fines.

20. This ordinance moves the existing text of Rule 114, Permit Rule Noncompliance, to Rule 110-D.

21. This ordinance adds Rule 114.1, Hearing Request, to describe the process to request a hearing to contest a violation.

22. This ordinance adds Rule 114.2, Administrative Compliance Hearing, to describe the process to initiate a hearing, if required.

23. This ordinance adds Rule 114.3, Notice of Hearing, to describe the requirements for notice of hearing.

24. This ordinance adds Rule 114.4, Compliance Hearing; Findings, to describe the conduct of the hearing, the types of evidence which can be received, the necessity for findings supported by evidence, and issuance of a determination.

25. This ordinance adds Rule 114.5, Administrative Order, which provides direction to Hearing Officers upon determination that a violation has occurred.

26. This ordinance adds Rule 115.1, Administrative Penalties, to provide for the imposition of administrative penalties for violation of any provision of District Rules and Regulations, and to identify factors for the Hearing Officer to consider in setting the administrative penalty. Provision is also made for suspension of penalties.

27. This ordinance adds Rule 115.2, Administrative Costs, which allows recovery of administrative costs against a violator. Provision is also made for recovery against the Water Management District upon proof that no violation occurred or compliance was timely. A waiver provision is made available to the Hearing Officer.

28. This ordinance adds Rule 115.3, Interest, which requires a violator to pay interest at the rate of ten (10) percent per annum, pro-rata, from the date the amount first became delinquent until the date payment is received.

29. This ordinance adds Rule 116, Failure to Comply with an Administrative Order, which gives the General Manager the power to enforce payment of assessed administrative penalties and/or costs as a personal obligation of the violator or, if the violation is against real property, a lien upon the real property.

30. This ordinance adds Rule 116.5, Recovery of Administrative Penalties and Costs, which provides the General Manager with all available legal means to collect these administrative costs and penalties.

31. This ordinance adds Rule 117, Report of Compliance with Administrative Order, describing the reporting process to document compliance with an order.

32. This ordinance adds 117.5, Compliance Dispute, to provide a process for any Person who believes that compliance has been achieved. A compliance hearing is held before a Hearing Officer upon proper notice with a determination based on findings.

33. This ordinance adds Rule 118, Judicial Review, to provide review of an Administrative Order in the Superior Court by filing a petition for writ of mandate.

34. This ordinance adds Rule 119.1, Late Payment Charges, to allow recovery of late payment charges on fines imposed but not timely paid.

35. This ordinance adds Rule 119.2, Recovery of Administrative Citation Fines and Costs, to utilize all available legal means to recover past due fines or late payment charges.

36. This ordinance adds Rule 119.3, Lien Procedure, by incorporating the existing text of Rule 113 and adding a process to lien real property on which a violation occurred. A process is created which requires the General Manager to file a report with the Board on the amount due, fix a time, date and place for hearing before the Board on the report and any protests or objections, and provide notice of the hearing.

37. This ordinance adds Rule 119.4, Lien Hearing and Protests, to describe the process to protest a lien with resolution by the Board confirming, discharging or modifying the amount of the lien.

38. This ordinance adds Rule 119.5, Recording of Lien, to describe the time and manner of recording liens.

39. This ordinance adds Rule 119.6, Satisfaction of Lien, to describe the process of satisfying liens once full payment has been received.

40. This ordinance is not a project within the CEQA definition 21065 and Guidelines 15060 (c) (2) and 15378 (b) (2) and (5) because it is not an activity which may cause either direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**NOW, THEREFORE,** be it ordained as follows:

## **ORDINANCE**

### **Section One:            Short Title**

This ordinance shall be known as the Administrative Enforcement Ordinance.

### **Section Two:            Purpose**

This ordinance creates an administrative enforcement process in accord with Government Code Section 53069.4.

**Section Three:       Amendment of Rule 11 (Definitions)**

- A. The following terms shall be added to Rule 11, Definitions, of the Rules and Regulations of the District and unless the context specifically indicates otherwise, this term shall be defined as set forth below in bold italics (***bold italics***). Numbering is provided for ease of review.
1. ***Abatement Order – “Abatement Order” shall mean an order issued by a Hearing Officer at the conclusion of a hearing on a cease & desist or public nuisance violation. An Abatement Order may be issued in conjunction with an Administrative Compliance Order.***
  2. ***Administrative Citation- “Administrative Citation” shall mean a written notice of violation of District Rules and Regulations which are minor or transient in nature. Examples of violations may include water waste, water rationing, permit condition and minor or non-recurring violations. Administrative Citations are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District.***
  3. ***Administrative Compliance Order – “Administrative Compliance Order” shall mean a written order issued by the General Manager directing any Person responsible for serious, continuing or recurring violations to take affirmative action to remedy consequences of those violations. Administrative Compliance Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. An Administrative Compliance Order may be issued in conjunction with a Cease & Desist Order.***
  4. ***Administrative Order – “Administrative Order” shall mean an order issued by a Hearing Officer at the conclusion of a hearing on a violation.***
  5. ***Cease & Desist Order – “Cease & Desist Order” shall mean an order issued by the General Manager prohibiting a Person from continuing a particular course of conduct. Cease & Desist Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. A Cease & Desist Order may be issued in conjunction with an Administrative Compliance Order.***
  6. ***Enforcement Officer – “Enforcement Officer” shall mean an employee or agent of the Water Management District with the authority to enforce any provision of the District Rules and Regulations.***

7. *Hearing Officer – “Hearing Officer” shall mean a seated Director of the MPWMD selected by rotation to conduct an administrative hearing.*
8. *Public Nuisance – “Public Nuisance” shall mean the maintenance or use of water or property in the Water Management District in a manner that jeopardizes or endangers the health, safety or welfare of Persons on the property or in the surrounding area.*

**Section Four:**      **Amendment of Rule 110 (General Enforcement)**

- A. The existing text of Rule 110 shall be labeled as Rule 110-A.
- B. The existing text of Rule 111 shall be moved to Rule 110-B.
- C. The following text shall be added as Rule 110 C:

***C. Cease & Desist Order/Compliance Order.***

1. *If General Manager determines that water or property in the District is being used or maintained in a manner that creates or fosters the creation of a Public Nuisance and/or results in Water Waste, the General Manager shall issue a Cease & Desist Order and/or Administrative Compliance Order to the owner of the subject property, the occupant of the subject property and/or to any other Person(s) responsible for creating or fostering the creation of the Public Nuisance or creating or fostering water waste.*
2. *The Cease & Desist Order and/or Compliance Order shall:*
  - a. *Describe the nature of the Public Nuisance, Water Waste or other activity that was created maintained or fostered by or on the subject property; and*
  - b. *Specify a compliance date by which the Public Nuisance, Water Waste or other activity shall cease.*
  - c. *Specify a compliance date by which remedial activity shall be completed to ameliorate the effects of the Public Nuisance, Water Waste or other activity.*
  - d. *State the proposed financial penalty.*
3. *A Cease & Desist Order and/or Administrative Compliance Order shall be deemed to be prima facie evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a Public Nuisance and/or Water Waste unless and until a Hearing Officer or a court of competent jurisdiction determines otherwise.*

D. The existing text of Rule 114 shall be moved to Rule 110-D.

**Section Five:**            **Addition of Rule 110.5 (Administrative Remedies)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 110.5:

**RULE 110.5 ADMINISTRATIVE REMEDIES**

*The General Manager is authorized to use any administrative remedy set forth in this Regulation to achieve enforcement of District Rules and Regulations, in addition to any other legal remedy, criminal or civil, which may be pursued by the District to address a violation of these Rules and Regulations. Use of administrative remedies provided by this Regulation shall be at the sole discretion of the District.*

**Section Six:**            **Amendment of Rule 111 (Charges and Penalty Assessments)**

Rule 111 is renamed Administrative Citation.

The following text as shown in bold italics (***bold italics***) shall be added as Rule 111:

**RULE 111 ADMINISTRATIVE CITATION**

*A. Administrative Citations are to address violations of the District Rules and Regulations that the District, in its sole discretion, deems to be minor or transient in nature. The District adopts the Administration Citation enforcement process set forth in this Regulation pursuant to California Government Code Section 53069.4, which provides for de novo review of administrative enforcement in court if a Person wishes to challenge an administrative decision upholding an Administrative Citation. For example, and not by exclusion, Administrative Citations may be used to enforce water waste, water rationing, permit condition and minor or non-recurring violations of the District's Rules and Regulations.*

*B. Whenever the General Manager determines that a violation of the Rules and Regulations has occurred, the General Manager shall have the authority to issue an Administrative Citation to any Person responsible for the violation. The Board of Directors, by Resolution, may adopt guidelines to guide staff's implementation of the Administrative Citation process provided by this Rule.*

*C. Each Administrative Citation shall be served in accord with the provisions of Rule 111.7, and shall contain the following information:*

- 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;*

2. *The address or a definite description of the location where the violation occurred;*
3. *Reference to the section of the Rules and Regulations violated and a description of the circumstances pertaining to the violation;*
4. *The amount of the fine for the Rules and Regulations violation determined in accord with this Regulation;*
5. *A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;*
6. *An order prohibiting the continuation or repeated occurrence of the Rules and Regulations violation described in the Administrative Citation;*
7. *A description of the Administrative Citation review process, including the time within which the Administrative Citation may be contested and the place from which a request for hearing form to contest the Administrative Citation may be obtained; and*
8. *The name and signature of the General Manager or his delegated agent acting as Enforcement Officer.*

**Section Seven:**      **Addition of Rule 111.5 (Administrative Compliance Order)**

The following text shall be added as Rule 111.5:

**RULE 111.5 ADMINISTRATIVE COMPLIANCE AND CEASE  
& DESIST ORDER**

*A. Administrative Compliance Orders and/or Cease & Desist Orders generally address violations of District Rules and Regulations or ordinances that the General Manager, in his or her sole discretion, deems to constitute a Public Nuisance or Water Waste, or serious, continuing or recurring violations, or similar matters.*

*B. Whenever the General Manager determines that a violation of any provision of these Rules and Regulations or of any District ordinance has occurred or exists, the General Manager may issue a written Administrative Compliance Order and/or a Cease & Desist Order to any Person responsible for the violation. The Board of Directors, by Resolution, may adopt guidelines to guide staff's implementation of Administrative Compliance and Cease & Desist Order process provided by this Rule.*

*C. Each Administrative Compliance Order or Cease & Desist Order shall set forth a description of the observed violation(s), a description of what the Responsible Party is*



*required to do (or to refrain from doing) to bring the water use or property into compliance, and the date by which compliance must be achieved. The Order shall provide notice as to administrative and fiscal penalties that shall accrue if compliance with the Order is not achieved by the date listed on the Order. Each Administrative Compliance Order or Cease & Desist Order may be contested through an administrative hearing process. The decision may contain an order to correct any violations determined to exist, together with an order to pay administrative penalties and costs.*

*D. An Administrative Compliance Order and/or Cease & Desist Order pursuant to this Rule shall be served in accord with the provisions of Rule 111.7, and shall contain the following information:*

- 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;*
- 2. The address or a definite description of the location where the violation occurred;*
- 3. Reference to the section of the Rules and Regulations, or to the provisions of any ordinance, violated and a description of the circumstances pertaining to the violation;*
- 4. The amount of the fine and other fiscal consequence for the Rules and Regulations violation determined in accord with these Rules and Regulations;*
- 5. The action(s) required to correct the violation;*
- 6. Penalties related to the violation, if compliance is not achieved;*
- 7. An order prohibiting the continuation or repeated occurrence of the Rules and Regulations violation described in the Administrative Compliance Order, or as prohibited by the Cease & Desist Order;*
- 8. A description of the administrative compliance process, including the time within which the Administrative Compliance Order or Cease & Desist Order may be contested and the place from which a request for hearing form may be obtained and an explanation of the consequences of noncompliance with this Regulation; and*
- 9. The name and signature of the General Manager or his delegated agent acting as Enforcement Officer.*

**Section Eight:**        **Addition of Rule 111.6 (Alternative Enforcement)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 111.6:

***RULE 111.6            ALTERNATIVE ENFORCEMENT***

***A. The District Board may refer to its General Counsel administrative actions for violations of District Rules and Regulations which involve complex, continuing or recurring violations, or actions where the potential penalty may exceed ten thousand dollars (\$10,000), or actions for administrative abatement of public nuisances.***

***B. The action shall commence with the issuance of a written order to the Person responsible for the violation setting forth a description of the observed violation(s), a description of what the Responsible Party is required to do to bring the water use or property into compliance, and the date by which compliance must be achieved. The order provides notice as to administrative penalties that shall accrue if compliance with the order is not achieved by the date listed on the order. The order may be contested through an administrative hearing process. An Administrative Order issued after hearing may contain a requirement to correct any violations determined to exist, together with an order to pay administrative penalties and costs.***

***C. An order pursuant to this Rule shall be served in accord with the provisions of Rule 111.7, and shall contain the following information:***

- 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;***
- 2. The address or a definite description of the location where the violation occurred;***
- 3. Reference to the section of the Rules and Regulations violated and a description of the circumstances pertaining to the violation;***
- 4. The actions required to correct the violation;***
- 5. The penalty related to the violation, if compliance is not achieved;***
- 6. A prohibition on the continuation or repeated occurrence of the Rules and Regulations violation described in the order;***
- 7. A description of the administrative compliance process, including the time within which the order may be contested and the place from which a request for hearing form may be obtained and an explanation of the consequences of noncompliance with this Rule; and***

8. *The name and signature of the General Counsel or his delegated agent acting as Enforcement Officer.*

D. *Any recipient of a Rule 111.6 order may contest that there was a violation of District Rules and Regulations, or that he or she is the Responsible Party, or that a penalty should not be imposed by completing a request for hearing form and returning it to the District within thirty (30) days from the date of the order.*

E. *If the District General Counsel determines that all violations have been corrected within the time specified in the order, no further action shall be taken. Notice of this action shall be forwarded to any party requesting a hearing. If full compliance with each violation is not achieved within the time specified in the order, the General Counsel shall coordinate with an Administrative Law Judge and prepare a written notice of hearing for the judge's signature to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared.*

F. *Actions brought pursuant to this Rule shall be heard by an Administrative Law Judge (ALJ) retained through the California Office of Administrative Hearings (OAH) in accord with Government Code §27727. Compensation for ALJ services shall be by contract with OAH.*

G. *The General Manager is authorized to enter into contract with OAH for these services and to budget for this expense.*

H. *The provisions of Rule 113.1 and Rules 114.3 through 119.6 apply to a Rule 111.6 proceeding.*

**Section Nine:**        **Addition of Rule 111.7 (Notices)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 111.7:

**RULE 111.7 NOTICES**

A. *All notices required by this Regulation shall be served by Personal delivery to the Person to be notified or by deposit in the United States Mail, in a sealed envelope postage prepaid, addressed to such Person to be notified at his last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.*

B. *Proof of giving any notice may be made by the certificate of any officer or employee of the District, or by affidavit of any Person over the age of eighteen years, which*

*shows service in conformity with this Rule or other provisions of law applicable to the service of process.*

*C. Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.*

*D. Where Personal service or service by mail upon the property owner is unsuccessful, a copy of the order shall be conspicuously posted at the property which is the subject of the order.*

*E. The failure of any Person to receive any notice required under this Regulation shall not affect the validity of any proceedings taken under this Regulation.*

**Section Ten:           Amendment of Rule 112 (Administration of Rationing Penalties)**

Rule 112 is renamed Hearing Officer; *Compensation*.

The following text as shown in bold italics (*bold italics*) shall be added as Rule 112:

**RULE 112   HEARING OFFICER; COMPENSATION**

*A.     Each of the seven (7) members of the Board of Directors of the District shall serve as a Hearing Officer to conduct administrative hearings.*

*B.     Compensation shall be limited to each day of hearing and treated as a meeting pursuant to Water Code §§ 20200 through 20207 and MPWMD Ordinance Nos. 113 and 126. No compensation shall be paid for hearing preparation or drafting Administrative Orders. The monthly cap of ten (10) meetings, in accord with Water Code §20202, applies.*

**Section Eleven:       Addition of Rule 112.5 (Hearing Officer Rotation)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 112.5:

**RULE 112.5   HEARING OFFICER ROTATION**

*A.     Hearing Officer assignments shall be rotated in the following order: Division 1, 2, 3, 4, 5, Board of Supervisors Representative, and Mayoral Representative. If a Hearing Officer is unable to serve for any reason, the next Hearing Officer in rotation shall be assigned. Any hearing officer who is skipped shall serve at the next earliest opportunity.*

***B. A Hearing Officer shall not be qualified to hear an Administrative Citation, Administrative Compliance Order, or Cease & Desist Order respecting any Person who resides within that Board Member's election division, or who resides in the city or unincorporated area represented by that appointed Board Member. Should every potential Hearing Officer be disqualified by the effect of this Rule, a Board Member shall be selected by random lot to conduct the hearing, and that Board Member shall then be qualified to issue an appropriate Administrative Order, or Abatement Order.***

**Section Twelve:      Addition of Rule 113.1 (Administrative Fines)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 113.1:

**RULE 113.1 ADMINISTRATIVE FINES**

***A. Any fine required pursuant to an Administrative Citation, Administrative Compliance Order, or Cease & Desist Order shall be paid to the District within thirty (30) days from the date of the citation or order unless a deposit waiver has been issued in accord with Rule 113.2. The amounts of the fines shall be set forth in the schedule of fines established and periodically amended by Resolution of the District Board. The schedule of fines shall specify any increased fines for repeat violations of the same provision by the same Person within twelve (12) months from the date of the Administrative Citation. The schedule of fines shall also specify the amount of any late payment charges imposed for the payment of a fine after its due date.***

***B. Any paid fine shall be refunded in accordance with Section 114.4-I if it is determined, after a hearing, that the Person charged in the citation or order was not responsible for the violation or that there was no violation as charged.***

***C. Payment of a fine under this Regulation shall not excuse or discharge any continuation or repeated occurrence of the violation.***

**Section Thirteen:      Addition of Rule 113.2 (Advance Deposit Hardship Waiver)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 113.2:

**RULE 113.2 ADVANCE DEPOSIT HARDSHIP WAIVER**

***A. Any Person who intends to request a hearing to contest that there was a violation of these Rules and Regulations or that he or she is the Responsible Party and who is financially unable to make the advance deposit of the fine as required in Rule 113.1 may file a request for an advance deposit hardship waiver.***

***B. The request shall be filed with the General Manager within fifteen (15) days of the date of the citation or order.***

***C. The requirement to deposit the full amount of the fine as described in Rule 113.1 shall be stayed unless or until the General Manager makes a written determination not to issue the advance deposit hardship waiver.***

***D. The General Manager may waive the requirement of an advance deposit set forth in Rule 113.1 and issue the advance deposit hardship waiver only if the cited party submits to the General Manager a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the General Manager the Person's actual financial inability to deposit with the District the full amount of the fine in advance of the hearing.***

***E. If the General Manager determines not to issue an advance deposit hardship waiver, the Person shall remit the deposit to the District within ten (10) days of the date of that decision or thirty (30) days from the date of the citation or order, whichever is later.***

***F. The General Manager shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the General Manager shall be final.***

***G. The written determination of the General Manager shall be served upon the Person who applied for the advance deposit hardship waiver.***

**Section Fourteen:    Addition of Rule 114.1 (Hearing Request)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 114.1:

**RULE 114.1 HEARING REQUEST**

***A. Any recipient of an Administrative Citation, Administrative Compliance Order, or a Cease & Desist Order may contest that there was a violation of these Rules and Regulations, or that he or she is the Responsible Party, or that a fine or consequence should not be imposed by completing a request for hearing form and returning it to the District within thirty (30) days from the date of the Administrative Citation, Administrative Compliance Order, or a Cease & Desist Order together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Rule 113.2.***

***B. A request for hearing form may be obtained from the General Manager.***

*C. No hearing to contest an Administrative Citation, Administrative Compliance Order, or a Cease & Desist Order before a Hearing Officer shall be held unless the fine has been deposited in advance in accordance with Rule 113.1 or an advance deposit hardship waiver has been issued in accordance with Rule 113.2.*

**Section Fifteen:**      **Addition of Rule 114.2 (Administrative Compliance Hearing)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 114.2:

**RULE 114.2 ADMINISTRATIVE COMPLIANCE HEARING**

*A. If the General Manager determines that all violations have been corrected within the time specified in the Administrative Citation, Administrative Compliance Order, or Cease & Desist Order, no further action shall be taken. Notice of this action shall be forwarded to any party requesting a hearing.*

*B. If full compliance as to each violation is not achieved within the time specified in the Administrative Citation, Administrative Compliance Order, or Cease & Desist Order, the General Manager shall advise the Hearing Officer. The Hearing Officer shall be designated in accord with Rule 112.5.*

*C. The selected Hearing Officer shall cause a written notice of hearing to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared.*

**Section Sixteen:**      **Addition of Rule 114.3 (Notice of Hearing)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 114.3:

**RULE 114.3 NOTICE OF HEARING**

*A. Every notice of hearing on an Administrative Citation, Administrative Compliance Order, or a Cease & Desist Order shall comply with Rule 111.7 and shall contain the date, time and place at which the hearing shall be conducted by the Hearing Officer in accord with Rules 114.1 through 114.5.*

*B. Each hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days from the date of the notice of hearing unless the General Manager determines that the matter is urgent or that good cause exists for an extension of time.*

*C. This hearing serves to provide the full opportunity of a Person subject to an Administrative Citation, Administrative Compliance Order, or a Cease & Desist*

*Order to object to the determination that a violation has occurred and/or that the violation has continued to exist and/or that a Public Nuisance exists. The failure of any Person subject to an Administrative Citation, Administrative Compliance Order, or Cease & Desist Order, issued pursuant to this Regulation to appear at the hearing shall constitute a failure to exhaust administrative remedies.*

**Section Seventeen: Addition of Rule 114.4 (Compliance Hearing; Findings)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 114.4:

**RULE 114.4 COMPLIANCE HEARING; FINDINGS**

*A. At the place and time set forth in the notice of hearing, the Hearing Officer shall conduct a hearing on the citation issued pursuant to these Rules & Regulations.*

*B. The Hearing Officer shall consider written and oral evidence. Evidence regarding the alleged violation or compliance actions may be presented by any party, including the alleged violator, the owner or occupant of any real property affected by the alleged violation, and/or by the District.*

*C. The Hearing Officer shall further consider any objectively reasonable efforts made by a Person who is subject to an Administrative Citation, Administrative Compliance Order, or Cease & Desist Order to comply with that citation prior to the compliance date. The Hearing Officer may take into consideration any condition or situation beyond the control of a Person subject to an Administrative Compliance Order or Cease & Desist Order that prevents compliance with that order.*

*D. The citation or order, and any additional material submitted by the District Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents. A report on the alleged violation shall set forth a detailed recommendation as to relevant findings and conclusions that flow from the facts presented and a recommended decision based upon those findings and conclusions. This report shall meet the standards for administrative findings set forth in Topanga Assn. for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506 (1974).*

*E. The Hearing Officer may question witnesses and/or request additional information from the Enforcement Officer or any party prior to closing the hearing.*

*F. Within a reasonable time following the conclusion of the hearing, the Hearing Officer shall make findings and issue a determination, as to each alleged violation, regarding:*

- 1. The existence of the violation;*
- 2. Whether a nuisance or water waste occurs that requires abatement;*



3. *The identity of each responsible Person;*
4. *The failure of the violator or owner to take required corrective action within the required time period;*
5. *The absence or extent of mitigating conditions or situations beyond the control of the Person subject to the citation or order.*

**G.** *Findings shall be supported by evidence received at the hearing.*

**H.** *If the Hearing Officer finds by a preponderance of the evidence that a violation has occurred and that the violation was not corrected within the time period specified in the citation or order, the Hearing Officer shall issue an Administrative Order in accord with this Regulation and may order reimbursement to the District for the District's administrative costs incurred in the proceeding pursuant to Rule 115.2-A. Any fine amount on deposit with the District shall be retained by the District. If no fine has been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer shall set forth in the order a payment schedule for the fine.*

**I.** *If the Hearing Officer finds that no violation has occurred or that the violation was corrected within the time period specified in the citation or order, the Hearing Officer shall issue a finding as to those facts and may order reimbursement to the alleged violator for reasonable and necessary costs incurred to defend that proceeding pursuant to Rule 115.2-B. Any fine deposited with the District shall be refunded.*

**J.** *If the Hearing Officer finds a nuisance or water waste requires abatement, the Hearing Officer shall also issue an Abatement Order and may impose any or all of the following:*

1. *An order to discontinue the use of or certain activity at the subject property, temporarily or permanently, as needed to protect the health, safety or welfare of Persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or reoccurrence of the detrimental impacts created by the activity; and*
2. *An order imposing conditions on the continued use of or certain activity at the subject property, as needed to protect the health, safety or welfare of Persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or recurrence of the detrimental impacts created by the nuisance; and*
3. *Where the implementation of conditions requires a permit or an amendment to an existing permit, an order conditioned upon the property owner applying for and obtaining the permit or modification of an existing permit applicable to the subject property.*

**Section Eighteen:    Addition of Rule 114.5 (Administrative & Abatement Orders)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 114.5:

**RULE 114.5 ADMINISTRATIVE & ABATEMENT ORDERS**

*If the Hearing Officer determines, by a preponderance of the evidence, that a violation occurred which was not corrected within the time period specified in the citation or order, the Hearing Officer shall issue an Administrative Order or Abatement Order that imposes any or all of the following:*

- A. An order to correct, or to abate, including a schedule for correction where appropriate;*
- B. Administrative penalties as provided in Rule 115.1;*
- C. Administrative costs as provided in Rule 115.2.*

**Section Nineteen:    Addition of Rule 115.1 (Administrative Penalties)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 115.1:

**RULE 115.1 ADMINISTRATIVE PENALTIES**

*A. In accord with this Regulation, the Hearing Officer may impose administrative penalties for the violation of any provision of these Rules and Regulations, or for allowing an unabated Public Nuisance or water waste, in an amount not to exceed a maximum of two thousand five hundred dollars (\$2,500.00) per day for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.*

*B. In determining the amount of the administrative penalty, the Hearing Officer may take any or all of the following factors into consideration:*

- 1. The duration of the violation(s) and/or Public Nuisance and/or water waste;*
- 2. The frequency, recurrence and number of violations, related or unrelated, by the same violator or at the same Site;*
- 3. The seriousness of each violation;*
- 4. The good faith efforts of the violator to come into compliance;*

5. *The economic impact of the penalty on the violator;*

6. *The impact of the violation on the community;*

7. *Such other factors as justice may require.*

C. *Administrative penalties shall accrue from the date specified in the citation or order and shall cease to accrue on the date the violation is corrected as determined by the Hearing Officer.*

D. *The Hearing Officer, in his or her discretion, may suspend the imposition of applicable penalties for any period of time during which:*

1. *The violator has filed for necessary permits; and*

2. *Such permits are required to achieve compliance; and*

3. *Such permit applications are actively pending before the District or other appropriate Governmental agency.*

E. *Administrative penalties shall be due by the date specified in the Administrative Order.*

F. *Administrative penalties are a debt owed to the District and, in addition to all other means of enforcement, if the violation is located on real property, may be enforced by means of a lien against the real property on which the violation occurred.*

G. *If the violation is not corrected as specified in the Hearing Officer's Administrative Order, administrative penalties shall continue to accrue on a daily basis until the violation is corrected, subject to the maximum amount set forth above in this Rule.*

H. *If the violator gives written notice to the General Manager that the violation has been corrected and if the General Manager finds that compliance has been achieved, the General Manager shall deem the date the written notice was postmarked or personally delivered to the General Manager or the date of the final inspection, whichever first occurred, to be the date the violation was corrected. If written notice is not provided to the General Manager, the violation will be deemed corrected on the date of the final inspection.*

**Section Twenty:**      **Addition of Rule 115.2 (Administrative Costs)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 115.2:

**RULE 115.2 ADMINISTRATIVE COSTS**

***A. The Hearing Officer may assess administrative costs against the violator when it finds that a violation has occurred and that compliance has not been achieved within the time specified in the citation or order.***

***B. The Hearing Officer may assess administrative costs against the District when it finds that evidence available to the District before the hearing was convened that reasonably established that a violation had not occurred or that compliance had been achieved within the time specified in the citation or order.***

***C. The administrative costs may include reasonable and necessary costs incurred in connection with the matter before the Hearing Officer including, but not limited to, costs of investigation, costs incurred to prepare for the hearing and for the hearing itself, and costs for all re-inspections necessary to enforce the citation or order.***

***D. The Hearing Officer may waive the assessment of administrative costs against either party where unique circumstances are present, or in the interests of justice.***

**Section Twenty-One:**      **Addition of Rule 115.3 (Interest)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 115.3:

**RULE 115.3 INTEREST**

***Any Person who fails to remit payment to the District of any fee, fine, penalty, cost or any other charge required to be paid to the District pursuant to this Regulation on or before the date it is due shall, in addition to the amount of the fee, fine, penalty, cost, and charge, pay interest on the amount due at the rate of ten (10) percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the District.***

**Section Twenty-Two:**      **Addition of Rule 116 (Failure to Comply with an Administrative Order or Cease & Desist Order)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 116:

**RULE 116 FAILURE TO COMPLY WITH AN ADMINISTRATIVE ORDER OR  
CEASE & DESIST ORDER**

*Failure to pay the assessed administrative penalties and/or administrative costs specified in the Administrative Order, or failure to pay additional administrative costs incurred due to non-compliance with an Administrative Order or Cease & Desist Order itself, shall be enforced by the General Manager as:*

- 1. A Personal obligation of the violator; and/or*
- 2. If the violation is in connection with real property, a lien upon the real property. The lien shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full.*

**Section Twenty-Three: Addition of Rule 116.5 (Recovery of Administrative Penalties and Costs)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 116.5:

**RULE 116.5 RECOVERY OF ADMINISTRATIVE PENALTIES AND COSTS**

*The General Manager shall collect administrative penalties and administrative costs by use of all available legal means, including recordation of a lien pursuant to Rule 119.5.*

**Section Twenty-Four: Addition of Rule 117 (Report of Compliance with Administrative Order)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 117:

**RULE 117 REPORT OF COMPLIANCE WITH ADMINISTRATIVE ORDER**

*When the General Manager determines that compliance has or has not been achieved in conformity with an Administrative Order or Cease & Desist Order issued by a Hearing Officer, the General Manager shall file a report with the Hearing Officer indicating whether or not compliance has been achieved.*

**Section Twenty-Five: Addition of Rule 117.5 (Compliance Dispute)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 117.5:

#### **RULE 117.5 COMPLIANCE DISPUTE**

*A. If the General Manager does not file a report pursuant to Rule 117 above, or in the event an error is alleged in a report so filed, any Person who believes that compliance has been achieved may request a compliance hearing before the Hearing Officer by filing a request for a hearing with the Hearing Officer.*

*B. The hearing on the compliance dispute shall be noticed and conducted in the same manner as a hearing on an order or citation provided in this Regulation.*

*C. The Hearing Officer shall determine if compliance has been achieved and, if so, when it was achieved. Based on this finding, the Hearing Officer may issue an order to provide relief, or may impose further enforcement remedies.*

#### **Section Twenty-Six: Addition of Rule 118 (Judicial Review)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 118:

#### **RULE 118 JUDICIAL REVIEW**

*Any Person aggrieved by the final determination of a Hearing Officer under this Regulation may obtain review of the Administrative Order or Abatement Order in the Superior Court by filing with the court a petition for writ of mandate pursuant to the provisions and timelines set forth in Rule 16 of these Rules and Regulations and in accord with the California Government Code Section 53069.4.*

#### **Section Twenty-Seven: Addition of Rule 119.1 (Late Payment Charges)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 119.1:

#### **RULE 119.1 LATE PAYMENT CHARGES**

*Any Person who fails to pay to the District any fine imposed pursuant to the provisions of this Regulation on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines.*

#### **Section Twenty-Eight: Addition of Rule 119.2 (Recovery of Administrative Fines and Costs)**

The following text as shown in bold italics (*bold italics*) shall be added as Rule 119.2:

## **RULE 119.2 RECOVERY OF ADMINISTRATIVE FINES AND COSTS**

*The District may collect any past due fines or late payment charges assessed in accord with this Regulation by use of all available legal means.*

### **Section Twenty-Nine:        Addition of Rule 119.3 (Lien Procedure)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 119.3:

#### **RULE 119.3 LIEN PROCEDURE**

The existing text of Rule 113 shall be added as Rule 119.3-A.

The following text shall be added as Rule 119.3-B through G, respectively:

***B. Whenever the amount of any administrative penalty and/or administrative cost imposed pursuant to this Regulation in connection with real property has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien against the real property on which the violation occurred.***

***C. The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the Administrative Order or Abatement Order shall have the force and effect and priority of a judgment lien governed by the provisions of Sections 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.***

***D. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.***

***E. Prior to recording any such lien, the General Manager shall prepare and file with the Board a report stating the amounts due and owing.***

***F. The General Manager shall fix a time, date and place for hearing before the Board on the report and any protests or objections thereto.***

***G. The General Manager shall cause written notice to be served on the property owner not less than ten (10) days prior to the time set for the hearing. Such notice shall be served as provided in this Regulation.***

### **Section Thirty:                Addition of Rule 119.4 (Lien Hearing and Protests)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 119.4:

#### **RULE 119.4 LIEN HEARING AND PROTESTS**

*A. Any Person whose real property is subject to a lien pursuant to Rule 119.3 may file a written protest with the General Manager and/or may protest orally at the Board meeting.*

*B. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.*

*C. The Board, after the hearing, shall adopt a Resolution confirming, discharging or modifying the amount of the lien.*

#### **Section Thirty-One:           Addition of Rule 119.5 (Recording of Lien)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 119.5:

#### **RULE 119.5 RECORDING OF LIEN**

*Thirty (30) days following the adoption of a Resolution by the Board imposing a lien, the General Manager shall file the same as a judgment lien in the Office of the County Recorder of Monterey County, California. The lien may carry such additional administrative charges as set forth by Resolution of the Board.*

#### **Section Thirty-Two:           Addition of Rule 119.6 (Satisfaction of Lien)**

The following text as shown in bold italics (***bold italics***) shall be added as Rule 119.6:

#### **RULE 119.6 SATISFACTION OF LIEN**

*If payment in full is received by the District for outstanding penalties and costs, the General Manager shall either record a notice of satisfaction or provide the property owner or financial institution with a notice of satisfaction so they may record this notice with the Office of the County Recorder. Such notice of satisfaction shall cancel the District's lien.*

#### **Section Thirty-Three:       Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rule 11, the amendment of Rules 110, 111, 112, 113 and 114, and the addition of Rules 110.5, 111.5, 111.6, 111.7, 112.5, 113.1 to 113.2, 114.1 through 114.5, 115.1 through 115.3, 116, 116.5, 117, 117.5, 118, and 119.1 through 119.6.

#### **Section Thirty-Four:       Effective Date**

This ordinance shall be given effect at 12:01 a.m. on June 18, 2008.



**Section Thirty-Five:**            **Sunset**

This ordinance shall not have a sunset date.

**Section Thirty-Six:**            **Severability**

If any subdivision, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director Edwards, and second by Director Markey, the foregoing ordinance is adopted upon this 19th day of May, 2008, by the following vote:

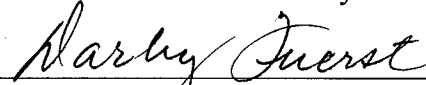
AYES:     Directors Brower, Doyle, Edwards, Lehman, Markey, Pendergrass and  
                 Potter

NAYS:

ABSENT:

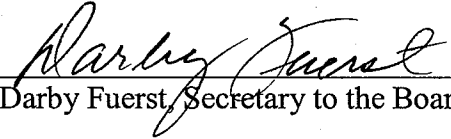
I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the 19th day of May 2008.

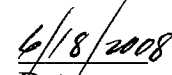
Witness my hand and seal of the Board of Directors this 18th day of June, 2008.

  
\_\_\_\_\_  
Darby Fuerst, Secretary to the Board

## **COPY CERTIFICATION**

I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Ordinance No. 133 duly adopted on the 19th day of May 2008.

  
\_\_\_\_\_  
Darby Fuerst, Secretary to the Board

  
\_\_\_\_\_  
Date

**RESOLUTION NO. 2008-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT ESTABLISHING RULE 113.1, SCHEDULE OF FINES**

**WHEREAS:** The MPWMD Board of Directors has created an Administrative Citation process in MPWMD Rule 111 pursuant to Ordinance No. 133; and

**WHEREAS:** Administrative Fines of the Monterey Peninsula Water Management District (MPWMD) are authorized in Rule 113.1 of the MPWMD Rules and Regulations;

**NOW, THEREFORE, BE IT RESOLVED:** That the Board of Directors of the Monterey Peninsula Water Management District hereby shall adopt the Schedule of Fines as set forth in Attachment 1 to this Resolution; and that this schedule shall become effective immediately.

On motion by Director Markey, and second by Director Doyle, the foregoing Resolution is adopted upon this 19th day of May 2008, by the following vote:

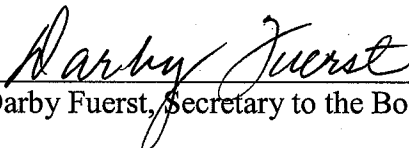
AYES: Directors Brower, Doyle, Edwards, Lehman, Markey, Pendergrass and Potter

NAYS: None

ABSENT: None

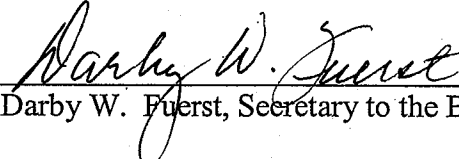
I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing resolution was duly adopted on the 19th day of May 2008.

Witness my hand and seal of the Board of Directors this 11<sup>th</sup> day of July 2008.

  
\_\_\_\_\_  
Darby Fuerst, Secretary to the Board

## **COPY CERTIFICATION**

I, Darby W. Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Resolution 2008-07 duly adopted on the 11<sup>th</sup> day of July 2008.

  
\_\_\_\_\_  
Darby W. Fuerst, Secretary to the Board

7/11/2008  
Date

## SCHEDULE OF FINES (Effective June 18, 2008)

SCHEDULE OF FINES (Effective June 18, 2008)				
Rule	Violation	Administrative Fine		
PERMIT VIOLATIONS				
20	Operation of a Water Distribution System (WDS) without a District Permit	\$50/day		
	Unauthorized modification, addition to, or change in Source of Supply, location of uses, change annual production, Connection limits, or Service Area	\$50/day		
	Illegal Connection	\$50/day		
	Modification of a Connection without District approval	\$50/day		
102	Violation of WDS water supply budget	\$150 1 <sup>st</sup> month \$300 2 <sup>nd</sup> month within a 12 month period \$750 additional months in 12 month period		
		Violations within a twelve month period		
		First*	Second**	More***
125	Failure to secure a District river access permit	\$150*	\$300**	\$750***
	Violation of river access permit condition(s)	\$150*	\$300**	\$750***
126	Failure to secure a District River Work Permit	\$150*	\$300**	\$750***
	Violation of River Work Permit condition(s)	\$150*	\$300**	\$750***
173	Operation of a Mobile Water Distribution System without a District Permit	\$50/day – any operation		
		\$300/day – operation after 1 <sup>st</sup> notice		
		\$750/day – operation after 2 <sup>nd</sup> notice		

**WATER CONSERVATION/RATIONING VIOLATIONS  
REGULATION XV**

		Violations within a twelve month period		
		First*	Second*	More***
162	Violation of Landscape Water Budget	\$150*	\$300**	\$750***
164 to 167	Failure of Water Distribution System Operator to notify Water Users of required reductions	\$150*	\$300**	\$750***
170	Failure to complete a water use survey form	\$50 if not completed within 2 weeks of notice		
	Failure to submit a revised water use survey form	\$100 if not completed within 4 weeks of notice		
		\$150 if not completed within 8 weeks of notice		
170	Misrepresentation of water use survey information	\$150		
		\$300 if not corrected after 1 <sup>st</sup> notice		
		\$750 if not corrected after 2 <sup>nd</sup> notice		
172	Failure to obtain and complete a Landscape Water Audit	\$150*	\$300**	\$750***
	Failure to file or amend a Landscape Water Budget	\$150*	\$300**	\$750***
	Violation of Landscape irrigation restrictions	\$150*	\$300**	\$750***
165 166 167 & 175	Exceedence of established ration: Stage 5 Stage 6 Stage 7	Rule 175  <i>This schedule incorporates the fine table shown in Rule 175. This increases fines according to rationing stage, meter size, and number of violations.</i>		
166 & 167	Violation of Non-Residential outdoor water use restrictions	\$150*	\$300**	\$750***
166	Operation of ornamental water uses from affected water sources	\$150*	\$300**	\$750***
166	Use of water for dust control from affected water sources	\$150*	\$300**	\$750***
167	Use of portable water meters and hydrant meters	\$150*	\$300**	\$750***

## WATER WASTE/NON-ESSENTIAL WATER USE VIOLATIONS

		*     Fine **    If not corrected after 1 <sup>st</sup> notice ***   If not corrected after 2 <sup>nd</sup> notice		
11, 160 & 161	<b>WATER WASTE VIOLATIONS:</b>			
	Failure to repair a correctable leak	\$50*	\$300/day**	\$750/day***
	Use of Potable water to wash hard surfaced areas	\$50*	\$300**	\$750***
	Indiscriminate or excessive water use which allows excess to run to waste	\$50*	\$300**	\$750***
	Unauthorized irrigation with Potable water during restricted periods.	\$50*	\$300**	\$750***
	Unauthorized private washing of cars	\$50*	\$300**	\$750***
	Unauthorized commercial washing of cars, boats or aircraft	\$150*	\$300**	\$750***
	Unauthorized transport of water from the MPWRS	\$150*	\$300**	\$750***
	Operation of commercial car wash without required recycling	\$150*	\$300**	\$750***
	Failure to maintain water use within mandatory Landscape Water Budget	\$150*	\$300**	\$750***
	Misrepresentation of number of Persons permanently residing on a property	\$150*	\$300**	\$750***
173	Delivery and/or receipt of water from an unpermitted Mobile Water Distribution System	\$150*	\$300**	\$750***
		1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	Continued Violation
11, 160 & 161	<b>NON-ESSENTIAL WATER USE VIOLATIONS:</b>			
	Unauthorized serving of drinking water	Courtesy Notice	\$50	\$300
	Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling	\$150	\$300	\$750
	Unreasonable or excessive use of Potable water for dust control or earth compaction (private party)	Courtesy Notice	\$300	\$750

		1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	Continued Violation
	Unreasonable or excessive use of Potable water for dust control or earth compaction (business or commercial)	\$150	\$300	\$750
	Unauthorized use of unmetered fire hydrant	\$150	\$300	\$750
	Failure to meet commercial retrofit requirements	\$150	\$300	\$750
	Unauthorized draining and refilling of swimming pools or spas	\$150	\$300	\$750
132	Use of Potable water for Greenbelt irrigation on affected Parcels	\$150	\$300	\$750

**WELL VIOLATIONS  
REGULATION V AND XV**

		* 1 <sup>st</sup> Violation ** Violation after 1 <sup>st</sup> Notice *** Violation after 2 <sup>nd</sup> Notice		
52	Failure to register a Well	\$150/day*	\$300/day**	\$750/day***
54	Failure to file annual Well production report	5 – 15 days late    \$100 16 – 30 days late    \$250 31 – 45 days late    \$500		
56	Failure to install and maintain a District-approved Water meter on the Well	\$150/day*	\$300/day**	\$750/day***
56.5	Failure to provide proof of retrofit on change of ownership	Courtesy Notice*	\$300/day**	\$750/day***
58	Failure to provide access to Wells	Courtesy Notice*	\$300**	\$750***
59	Failure to meet District Well construction standards	\$150*	\$300**	\$750***
174	Failure of Owner or Operator or Extractor of a private water Well or other Water-Gathering Facility to comply with Regulation XV	\$150*	\$300**	\$750***



**WATER CONSERVATION VIOLATIONS  
REGULATION XIV**

		* 1 <sup>st</sup> Violation	** Violation after 1 <sup>st</sup> Notice	*** Violation after 2 <sup>nd</sup> Notice
142	Violation of mandatory new construction plumbing fixture requirement	\$150*	\$300**	\$750***
143	Violation of Non-Residential mandatory retrofit requirement	\$150*	\$300**	\$750***
144	Violation of mandatory retrofit on change of ownership or use	\$150*	\$300**	\$750***
144	Violation of mandatory retrofit on expansion of use	\$150*	\$300**	\$750***
144	Transfer of title without full rule compliance	\$150*	\$300**	\$750***
154	Failure to post placards or decals promoting water conservation in restrooms, restaurants, hotels, banquet and dining facilities	\$150*	\$300**	\$750***
154	Failure to provide tenants with water conservation requirements	\$150*	\$300**	\$750***

	Late charge if fine not paid within 30 days.	10% of the fine if not paid within thirty (30) days of the date it is due.
	Late charge if fine not paid within 45 days.	An additional 10% if not paid within forty-five (45) days of the date it is due.
	Late charge for continued non-payment.	Thereafter, an additional 100% of fine for each 12 months (or fraction thereof) during which payment was delayed.