

RULE 110 - GENERAL ENFORCEMENT

- A. The General Manager is charged with the enforcement of these Rules and Regulations, and all other policies adopted by the District. To meet this charge, insofar as inspection of property may be necessary, and in any circumstance where consent to inspect has been sought but is refused or is otherwise unobtainable, the General Manager, or his designee, may obtain an inspection warrant in accord with the Code of Civil Procedure, Section 1822.50 et seq., and may conduct such inspections as are necessary to enforce these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81)

B. Charges and Penalty Assessments

The General Manager may bill and collect all charges and penalties assessed pursuant to these Rules and Regulations.

Rule added by Ordinance No. 7 (7/13/81); Renumbered by Ordinance No. 133 (5/19/2008)

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.

Rule added by Ordinance No. 133 (5/19/2008)

D. Permit Rule Noncompliance

Creation, Establishment, Expansion, Extension or Amendment 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 Rule.

Rule added by Ordinance No. 118 (12/13/04); amended by Ordinance No. 125 (9/18/06); renumbered by Ordinance No. 133 (5/19/2008)

E. General Enforcement

Any Person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of these Rules and Regulations; or, any contractor who installs or removes plumbing fixtures contrary to the provisions of these Rules and Regulations with the intent to defeat the purposes of these regulations, shall be guilty of a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. Violations carry a maximum penalty of \$250 for each offense. Each separate day or portion thereof during which any violation occurs or continues without a good-faith effort by the Responsible Party to correct the violation, shall be deemed to constitute a separate offense, and upon conviction thereof, shall be separately punishable.

Rule added by Ordinance No. 141 (11/16/2009)

F. Public Nuisance

1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of these Rules and Regulations, and/or any use of any land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of these Rules and Regulations, shall be, and the same is hereby declared to be a violation of these Rules and Regulations and a Public Nuisance.
2. The District may summarily abate the Public Nuisance, and the Board of Directors or District Attorney may cause or maintain a civil suit or other action, to enjoin or abate the nuisance.

3. Each day any violation of this regulation continues shall be regarded as a new and separate offense. The remedies provided in this regulation shall be cumulative and not exclusive.
4. Should any Person, firm, or corporation violate the terms of this Regulation, and any action is authorized either by the Board of Directors, or District Attorney, or is in fact commenced, no other action shall be taken on any application filed by or on behalf of said Person, firm, or corporation until the action has been concluded or resolved.

Rule added by Ordinance No. 141 (11/16/2009); amended by Ordinance No. 145 (9/20/2010)