

## **RULE 56.5 - WELL METER INSTALLATION UPON CHANGE OF OWNERSHIP**

In accord with Rule 54-D, Wells which are located within the boundaries of the Monterey Peninsula Water Management District shall be required to have a water meter installed on or before the close of escrow if the property served by that Well has a title transfer made upon resale and Change of Ownership after June 30, 1992. Exceptions to this requirement may apply pursuant to a variance granted under Rule 57.

### **A. PROOF OF RETROFIT UPON CHANGE OF OWNERSHIP**

Before the transfer of title for any Change of Ownership (defined by Rule 11) of real property within the District, the selling owner(s) or his/her/their authorized agent shall, in the form and manner specified by the District, certify compliance with the Well meter requirements of this regulation by each of the following methods which may apply:

1. Certify that there are no Wells on the property.
2. Certify that each Well on the property has been registered and metered in compliance with this regulation.
3. Certify that each Well which is not metered has been registered, and is exempt from the meter requirement pursuant to a variance granted under Rule 57.

Each certification required by Rule 56.5 shall be forwarded to the District before the close of escrow.

### **B. CERTIFICATION OF COMPLIANCE REQUIRED BEFORE CLOSE OF ESCROW**

It shall be a violation of this regulation for any buyer or seller to instruct an escrow agent to close escrow for any sale of property in the District prior to compliance with paragraph A of Rule 56.5. After the transfer of title for any Change of Ownership (defined by Rule 11) of real property within the District, it shall be unlawful for the purchasing owner(s) to produce water from that Well unless:

1. that Well has been registered with the District, and
2. that Well has been equipped with a water meter as required by Rules 54 and 56 of this regulation, or
3. that Well is exempt from the meter requirement pursuant to a variance granted under Rule 57.

A violation of this regulation shall also be a violation of Section 360 of the District law (production without a required water meter) and shall be punishable by a fine not to exceed five hundred dollars (\$500); each day of well operation in violation shall constitute a separate offense.

**C. LIMITATION OF LIABILITY FOR TITLE INSURANCE COMPANIES**

Rule 56.5 shall not impose any affirmative or discretionary duty upon an escrow agent, real estate agent, or other individual acting exclusively in the capacity of escrow officer. Nothing in this rule shall be construed, either expressly or by implication, to provide for a criminal proceeding or create a civil liability against a title insurer, or an underwritten title company, as these terms are defined in the California Insurance Code, or their officers, directors, or employees, by reason of an alleged violation of this rule by a party or parties to an escrow at such a corporation.

**D. RECORDATION OF NOTICE BY DISTRICT**

After June 30, 1992, whenever a Well is situated upon property which has had a title transfer upon resale or Change of Ownership, and that Well is not equipped with a meter (unless exempt under Rule 57), the District shall, in addition to any other enforcement means available to the District, record a notice of violation with the Office of the County Recorder. The owner(s) of the property, as revealed on the most recent assessment roll, on which the Well is situated shall be notified of the recordation, if their address is known. A notice of correction shall thereafter be recorded once the property owner had fully complied with the registration and meter installation requirements of this regulation, including the payment of any applicable fees due thereon.

*Rule added by Ordinance No. 56 (11/25/91); amended by Ordinance No. 71 (12/20/93); Ordinance No. 122 (8/15/2005)*