

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 72

AN ORDINANCE OF THE BOARD OF DIRECTORS  
ESTABLISHING AN ADMINISTRATIVE CIVIL LIABILITY  
FOR FAILURE OF CERTAIN WATER USERS TO  
COMPLY WITH RETROFIT REQUIREMENTS

WHEREAS, the San Simeon Acres Community Services District is engaged in a substantial program to conserve extremely limited water resources; and

WHEREAS, as an integral part of said program the District has mandated that all water users in the District retrofit specified water saving devices and fixtures; and

WHEREAS, the vast majority of all users have energetically and willingly complied with the retrofit requirements in a complete and timely manner; and

WHEREAS, the District is beginning to recognize and achieve the benefits of the water conservation program as a direct result of the mandatory retrofit of devices and fixtures; and

WHEREAS, there remain a small minority of water users in the District who have not yet come into compliance with the requirements of the retrofit program, even though the time within which to comply has long expired; and

WHEREAS, the integrity and success of the entire water conservation program, including the mandatory retrofit elements, is jeopardized by the continued non-compliance of certain water users and further incentives are necessary to obtain compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION I: PURPOSE. It is the purpose of this Ordinance to best achieve the goals of the existing water conservation program, including the mandatory retrofit requirements previously established by Ordinance No. 71.

SECTION II: ADMINISTRATIVE CIVIL LIABILITY.

A. In addition to those penalties provided for in Section VIII of Ordinance No. 71, each water user or property owner receiving water service who is not in compliance with the Mandatory retrofit requirements set forth in said Ordinance, and who has not received a duly authorized exemption or other lawful administrative relief from the requirements, shall be subject to an administrative civil liability in the amount of \$50.00.

B. The administrative civil liability imposed by subsection (A) above shall apply for each and every month that non-compliance exists and continues and shall be billed and collected in the same manner and procedure as water charges and fees.

SECTION III: APPEALS. An appeal may be made to the Board of the imposition of any administrative civil liability imposed under this Ordinance by filing a written appeal with the District Secretary within ten (10) working days from the date of the bill upon which the administrative civil liability is first described or listed. All appeals shall conform to the procedures set forth in Section VII of Ordinance No. 71.

SECTION IV: SEVERABILITY. If any subdivision, paragraph, sentence, 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 other ordinances of the San Simeon Acres Community Services District. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION V: EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION VI: PUBLICATION. Within fifteen (15) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published within the San Simeon Acres Community Services District, together with the names of said Board voting for and against the Ordinance.

On motion of Director Bob Hahn, seconded by Director C.M. Jones, and the following roll call vote, to wit:

AYES: Blankenship, Boniface, Hahn, Jones, Price

NOES: none

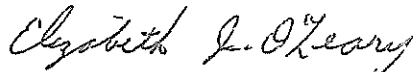
ABSENT: none

Ordinance No. 72 is hereby adopted.

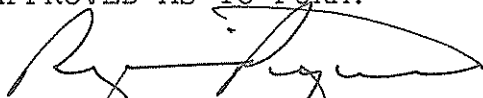
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Chairman, Board of Directors

ATTEST:

  
Secretary, Board of Directors

APPROVED AS TO FORM:

  
Roger C. Lyon, Jr.  
District Counsel