

Section XII: Non-Compliance Charges and Penalties

1. Non-Compliance with Permanent, Level 1 or Level 2 Conservation Measures

- a. The following will apply to persons or entities that fail to comply with any provision of the Ordinance for Permanent, Level 1 or Level 2 mandatory water conservation measures.
 1. **First Instance of Non-Compliance:** The District will issue a **written warning** and send it and a copy of the Ordinance by mail.
 2. **Second Instance of Non-Compliance:** A second instance of non-compliance with the Ordinance within the preceding twelve (12) calendar months is punishable by a non-compliance charge not to exceed **one hundred dollars (\$100)**.
 3. **Third Instance of Non-Compliance:** A third instance of non-compliance with the Ordinance within the preceding twelve (12) calendar months is punishable by a non-compliance charge not to exceed **two hundred and fifty dollars (\$250)**
 4. **Fourth and Subsequent Instances of Non-Compliance:** A fourth or any subsequent instance of non-compliance with this Ordinance is punishable by a non-compliance charge not to exceed **five hundred dollars (\$500)**.
- b. **Misdemeanor:** Pursuant to water Code Section 377, any instance of non-compliance with the Ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding one thousand dollars (\$1,000) or by both.
- c. **Separate Offenses:** Each day that a person or entity is non-compliant with the Ordinance is a separate offense.

2. Non-Compliance with Level 3 Water Supply Emergency Conservation Measures

- a. **Non-Compliance Charges:** The following will apply to persons or entities failing to comply with any provision of the Ordinance for Level 3 mandatory water conservation measures:
 1. **First Instance of Non-Compliance:** The District will issue a **written warning** and send it and a copy of the Ordinance by mail.
 2. **Second Instance of Non-Compliance:** A second instance of non-compliance with the Ordinance within the preceding twelve (12) calendar months is punishable by a non-compliance charge not to exceed **two hundred and fifty dollars (\$250)**.

3. **Third Instance of Non-Compliance:** A third instance of non-compliance with the Ordinance within the preceding twelve (12) calendar months is punishable by a non-compliance charge not to exceed **five hundred dollars (\$500)**.

b. **Water Flow Restrictor and/or Termination of Service**

1. **Water Flow Restrictor Device:**

- a. In addition to any non-compliance charges, the District may install a water flow restrictor device, following **written notification of intent** to the customer.
- b. The device would in place for a minimum of forty eight (48) hours.

2. **Termination of Service:** In addition to any non-compliance charges and the installation of a water flow restrictor, the District may disconnect and/or terminate a customer's water service, pursuant to Water Code Section 356.

3. **Costs for Water Flow Restrictors and Service Disconnection**

- a. A person or entity in non-compliance with this Ordinance is responsible for:
 1. Payment of the District's charges for installing and/or removing any water flow restricting device, and
 2. Disconnecting and/or reconnecting service per the District's schedule of charges then in effect.
- b. The charge for installing and/or removing any flow restricting device must be paid to the District before it is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- c. **Misdemeanor:** Pursuant to Water Code Section 377, any instance of non-compliance with the Ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding one thousand dollars (\$1,000) or by both.
- d. **Separate Offenses:** Each day that a person or entity is non-compliant with the Ordinance is a separate offense.

3. Appeal & Hearing Process: Notice of Non-Compliance, Hearing Determination

- a. **The District will issue a Notice of Non-Compliance** by mail or personal delivery at least ten (10) days before taking enforcement action. The notice will describe the violation and the date by which corrective action must be taken.
- b. **A customer may appeal the Notice of Non-Compliance** by filing a written Notice of Appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. A customer appeal shall state the grounds for the appeal. Any Notice of Non-Compliance not timely appealed will be final.
 1. Upon receipt of a timely appeal, the District will schedule a **hearing on the appeal** and mail written notice of the hearing date to the customer at least ten (10) days before the hearing.
 2. The General Manager or his designee(s) will hear the appeal, make a Hearing Determination, and issue a written **Notification of Decision** within ten (10) days of the hearing.
- c. **A customer may appeal a Hearing Determination to the Board of Directors** by written request for a hearing within ten (10) days after the certified date of delivery or date of first class mailing of the Notification of Decision. The request shall state the grounds for appeal.
 1. At a public meeting, the Board shall **review the appeal** and, at its sole discretion, may affirm, reverse or modify the Hearing Determination.
 2. **The decision of the Board is final.**
- d. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District **may take appropriate steps to prevent the unauthorized use of water** given the nature and extent of the violations and the current declared water shortage level condition, including restricting the level of water use until the appeal is heard.

Section XIII: Severability: If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The District Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases thereof is declared invalid.