

ORDINANCE NO. 86

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN SIMEON COMMUNITY SERVICES DISTRICT
ESTABLISHING GENERAL ENFORCEMENT AND PENALTY
PROVISIONS FOR VIOLATION OF DISTRICT ORDINANCES

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

SECTION 1: VIOLATIONS -- MISDEMEANORS AND INFRACTIONS. It is unlawful for any person to violate any provision or fail to comply with any ordinance of the San Simeon Community Services District ("District"). A violation of any of the provisions or a failure to comply with any of the requirements of an ordinance of the District shall constitute a misdemeanor except for those specifically declared by a District ordinance to be an infraction. Any misdemeanor violation or failure to comply may, in the discretion of the District's counsel or other prosecutor, be initially charged or subsequently prosecuted as an infraction. Each and every infraction violation is punishable by a fine not exceeding \$100 for a first violation; a fine not exceeding \$200 for a second violation of the same ordinance within one year; and a fine not exceeding \$500 for a third violation of the same ordinance within one year. Each and every misdemeanor violation is punishable by a fine not exceeding \$1,000, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. District's counsel, his designee or the District Attorney shall have the authority to prosecute violations of District ordinances in the name of the People of the State of California.

SECTION 2: SEPARATE OFFENSES. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of a District ordinance is committed, continued, or permitted by such person and shall be punishable accordingly.

SECTION 3: VIOLATIONS -- AIDING, ABETTING AND CONCEALING. Every person who causes, aids, abets, or conceals the fact of a violation of a District ordinance is guilty of a misdemeanor.

SECTION 4: PUBLIC NUISANCE -- ENFORCEMENT BY CIVIL ACTION. In addition to the penalties provided for herein, any condition caused or permitted to exist in violation of any of the provisions of a District ordinance shall be deemed a public nuisance and

may be, by this District, summarily abated as such, and every day such condition continues shall be regarded as a new and separate offense.

SECTION 5: CIVIL LIABILITIES. The District may sue to recover any amounts due the District under any District ordinance. Such remedy shall be in addition to any other remedy or penalty provided herein.

SECTION 6: LIABILITY FOR VIOLATION. Any person violating any ordinance of the District shall become liable to the District for any expenses (including attorney's fees), loss or damage occasioned by the District by reason of such violation.

SECTION 7: DISCONNECTION. As an alternative method of enforcing the District's ordinances, the District shall have the power to disconnect the user from the water or sewer system of the District. Upon disconnection, the District Manager shall estimate the cost of disconnection from and re-connection to the water or sewer system and such user shall deposit that cost as estimated with the District before such user is reconnected to the water or sewer system. The District shall refund any part of the deposit remaining after payment of all costs of disconnections and re-connections.

SECTION 8: RELIEF ON APPLICATION. When any person, by reason of special circumstances, is of the opinion that any provision of these regulations is unjust or inequitable as applied, that person may make written application to the Board of Directors stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his or her premises. If such application is approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing as long as the special circumstances exist.

SECTION 9: SPECIAL RELIEF ON OWN MOTION. The Board of Directors may, on its own motion, find that by reason of special circumstances a provision of a District ordinance should be suspended or modified as applied to a particular premise and may order such suspension or modification of such provision with respect to such premises during the period of such special circumstances.

SECTION 10: GOVERNING LAW: This ordinance is passed and adopted pursuant to the provisions of Government Code Section 61000 et seq. and particularly Section 61621.5 and 61622 thereof.

SECTION 11: 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 District. 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.

SECTION 12: EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption.


SECTION 13: PUBLICATION. This ordinance shall be published one time in a newspaper of general circulation published in the District, if there is one, and if not, then this ordinance shall be posted for one week in three (3) public places in the District.

This Ordinance was INTRODUCED, READ, PASSED and ADOPTED on the 9th day of November, 1994, on the following roll call vote, to wit:

AYES: Blankenship, Hahn, Ricci, Price and Webster


NOES: None

ABSENT: None



Chairman, Board of Directors


ATTEST:



District Secretary

APPROVED AS TO FORM:

LYON & CARMEL

By: 

Timothy J. Carmel
Assistant District Counsel