

CHAPTER 13 ENFORCEMENT

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13.010 Right of Entry for Inspection.

(A) Whenever necessary to make an inspection to enforce this Code, or whenever there is reasonable cause to believe there exists a Code violation in any building or upon any premises within the jurisdiction of the District, or whenever it is necessary to inspect, observe, measure and compute the volume of sanitary sewage and industrial wastes and take samples of such sewage and wastes being discharged from the premises into the Sanitary Sewer System for biochemical oxygen demand, suspended solids and ammonia analysis; and to ascertain any other facts or information necessary to determine the applicability of any sewer service and use charges to such premises, or the amount of such charges, any authorized official of the District may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by this Ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry.

(B) In the event the District sought prior consent to inspect the property but the property owner has refused entry, the District may request an inspection warrant from a duly authorized judge pursuant to California Code of Civil Procedure section 1822.50 et seq. Any person who willfully refuses to permit an inspection lawfully authorized by an inspection warrant is guilty of a misdemeanor.

(C) Subject to the limitations of the United States Constitution and the California Constitution, where the property owner has no reasonable expectation of privacy in a portion of their private property, the District has a right to perform an inspection of that portion of the property without obtaining consent or an inspection warrant.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017)

13.020 Criminal Prosecution.

(A) Violation a Misdemeanor. Any person who willfully or negligently violates any provision of this Ordinance, or of any orders or Permits issued hereunder, shall upon conviction,

be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) per violation per day, or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Such violation may also be redressed by civil action.

(B) Falsifying Information. Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per violation per day or imprisonment for not more than one year, or by both such fine and imprisonment.

(Adopted by Ord. 10, August 28, 1957; Readopted, as modified, by Ord. 46, July 23, 1975; Amended by Ord. 72, April 8, 1981; Amended by Ord. 146, June 14, 2017)

13.030 Each Day a Separate Offense. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which a provision of this Ordinance, or any such rule, regulation or order, is committed, continued or permitted by such person, firm or corporation, and shall be punishable as hereinabove provided.

(Adopted by Ord. 46, July 23, 1975)

13.040 Abatement of Violation as a Public Nuisance. Without limitation to any of the foregoing, continued occupation of a building or continued operation of an industrial facility in violation of this Ordinance or any rule or regulation of the District is a public nuisance. The discharge of unscreened garbage, fruit, vegetable, animal or other solid industrial wastes into any part of the Sanitary Sewer System, in violation of any provision of this Code, is hereby declared to be a public nuisance. Occupancy of a premise, while disconnected from the Sanitary Sewer System, is a public nuisance. The District may bring proceedings to abate such public nuisances specified above during the period of violation.

(Adopted by Ord. 46, July 23, 1975; Readopted by Ord. 76, September 9, 1981; Amended by Ord. 146, June 14, 2017)

13.050 Notice of Violation. Without limitation to any of the foregoing, the District Manager and Engineer may serve a person who violates this Ordinance or other rule or regulation of the District

with written notice of the violation. The notice shall contain the nature of the violation and give a time limit for satisfactory correction which shall not be less than two (2) nor more than seven (7) working days. Upon receipt of the notice, the person shall cease violation and correct the defect within the time stated in the notice.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017)

13.060 Disconnection and Reconnection.

(A) The Board of Directors may order disconnection of a premise connected to the Sanitary Sewer System if it finds disconnection is necessary to enforce this Ordinance or rules and regulations of the District.

(B) Reconnection. Before a premise may be reconnected to the Sanitary Sewer System, the user shall deposit with the District an amount estimated by the District Manager and Engineer to be the cost of disconnection and reconnection of the premise. After payment of the cost of disconnection and reconnection, the District Manager and Engineer shall refund the difference between the deposit and the cost if there is an excess deposit.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017)