

ARTICLE IV PROHIBITED ACTIVITIES; REMEDIES AND ENFORCEMENT

Statement of purpose; Findings. Under existing law, state and local agencies engage in water resource planning, protection and conservation. This Article condenses and clarifies the enforcement mechanisms for violations of this Code of Ordinance and the activities that are prohibited in connection with the District’s services, property, facilities and systems.

The Board of Directors finds that the enforcement of this Code and the protection of the District’s property and facilities is an important public service and is vital to the protection of the public’s health, safety and quality of life. The procedures herein are in addition to any other procedures or legal remedies available to the District.

No limitation on Authority. The Board of Directors has determined that there is a need to use a combination of administrative and other remedies to gain compliance. This Article is not intended, nor shall it be interpreted, to limit or amend any discretionary power or right of the District under any other provision of this Code, federal, state or local law, policy or practice.

CHAPTER 1 GENERAL PROVISIONS

SECTION 70. DEFINITIONS

70.01 REFERENCE TO ARTICLE

This Article of the Code of Ordinances shall be known as the “Prohibited Activities, Remedies and Enforcement Article” and is sometimes referred to as the “prohibited activities” or “enforcement” provisions.

70.02 DEFINITIONS

As used in this Article, the following words have the meaning set forth below:

“Assessor’s office” means the office of the San Diego County Assessor/Recorder/County Clerk or any successor office established by the County of San Diego to maintain records of parcel ownership.

“Benefiting” means to receive or use a service on a parcel owned, used, leased, developed or occupied by or for the person to whom the benefit is imputed.

“Damages” or “actual damages” means any cost or expense (including staff time, inspection, testing, permitting, attorneys fees and other consultant fees and costs) incurred by the District in connection with a violation, including without limitation costs or expenses relating to: investigating the violation; redesigning, removing, repairing or replacing any facilities or systems; removing, destroying and disposing of any equipment or material used for the violation; cleaning-up any resulting pollution or contamination; completing and filing appropriate reports and notices; payment of penalties, fees, damages, fines or other amounts charged by any governmental or regulatory agency, and any related costs including litigation or settlement of any action against the District.

“District facilities” or “District systems” or “system” means and refers to any and all pipelines, reservoirs and appurtenant facilities comprising the District’s potable water system, sewer system, recycled water system, laboratories, offices, pumps, equipment and engines.

“District property” means rights-of-way, easements, real property owned in fee simple, occupied or leased by the District, licenses, fixed and mobile equipment owned, occupied or operated by the District, and all District facilities.

“District service” or “service” means the furnishing of water, sewer, fire protection, recycled water or any other service the District provides to its customers.

“Divert” means to change, alter, or affect the course or path of any District service.

“Parcel” means any real property located within the District.

“Re-connection” means the commencement of service to a customer or other person after such service has been reduced, suspended or terminated.

“Reduction of service” means installing a device that limits the flow of water or availability of service to a parcel, person or location to a minimum amount required by law or determined by the District.

“Recycled water system” means the recycled water system operated by the District under applicable law, including applicable provisions of this Code, the California Water Code, commencing with Section 13520, the California Code of Regulations, Title 17, Division 1 and Title 22, and Water Agency Standards.

“Responsible party” means a person receiving or benefiting from service or any person who violates any provision of this Code or engages in a prohibited activity. Responsible party also means the owner or manager of a parcel, business or property benefiting from any service.

“Suspension of service” means installing a lock temporarily on the meter.

“Tamper” or “tampering” means to activate, injure, damage, block, interfere with, rearrange, contaminate, pollute, or in any form altering any District service, property or system without express consent of the District.

“Tenant” means a person or business lawfully occupying, controlling or using a parcel owned by another person.

“Termination of service” means removing the meter or disconnecting service facilities.

“Unauthorized connections” means connecting or reconnecting to, diverting, using or benefiting from, any District service without the prior written consent of the District or without compliance with the conditions of any such consent.

“Vandalizing” means to deface, discolor, graffiti, paint, trash, invade, damage, disable, shut off or destroy any portion of any District service, facilities or property.

“Violation” means any failure to comply with any provision of this Code; or engaging in any prohibited activity with respect to District services, facilities, property, or rights-of-way. Each day during which a violation commences or continues shall constitute a separate violation.

“Willful violation” means repeating or continuing a violation after notice; or any first time violation relating to a voluntary, knowing and purposeful act or omission.