

CHAPTER 22 - VIOLATIONS AND ENFORCEMENT

<u>Section</u>	<u>Page</u>
22.010	Purpose and applicability..... 22-1
22.020	Penalties for violations 22-1
22.030	Enforcement authority 22-2
22.100	Enforcement procedures 22-2
22.200	Citations 22-3
22.210	Code enforcement officers 22-3
22.220	Harbor Police..... 22-3
22.225	Authority of Harbor Police..... 22-3
22.230	Processing of citations 22-3
22.300	Fines and bail amounts 22-4
22.301	Bail Amounts; additional assessments..... 22-4

22.010 - Purpose and applicability

The purpose of this chapter is to establish the authority and provide procedures for the enforcement of the provisions of the Port San Luis Harbor District Code of Ordinances.

22.020 - Penalties for violations

- A. **General.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof within the Port San Luis Harbor District, or to cause the same to be done contrary to or in violation of any provision of this Code, or any codes, rules or regulations adopted in this Code. No person shall violate any of the provisions, or fail to comply with any of the requirements of this Code.
- B. **Infractions.** The violation of any provision of this Code, or any other ordinance of the District, or any code is punishable, if an infraction, and unless specifically authorized otherwise, by a fine of not more than \$100.00 for the first violation; by a fine not exceeding \$200.00 for a second violation of the same ordinance within one year; and by a fine not exceeding \$500.00 for each additional violation of the same ordinance committed by that person within one year.
- C. **Misdemeanors.** The violation of any provision of this Code, or any other ordinance of the District, or any code is punishable, if a misdemeanor, by a fine of not more than \$1000.00 or by imprisonment in the County jail for a period not exceeding one year, or by both such fine or imprisonment.
- D. **Separate offenses.** Each separate day on which a violation of this Code exists shall constitute a separate offense.
- E. **Correction of violation required.** Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Code.

Chapter Twenty-Two**22.030 - Enforcement authority**

The authority to administer and enforce the provisions of this Code is hereby assigned to the Harbor Manager and any District employees designated by the Harbor Manager.

22.100 - Enforcement procedures

The actions and remedies available to the District as listed below may be utilized separately or in combination by the District as it deems appropriate:

- A. Civil penalties. Any person or entity who violates any provision of this Code or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable for costs to the District incurred as a result of such acts.
- B. Criminal penalties. Any person or entity who violates any provision of this Code or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be subject to the penalties for violations set forth in Sections 22.020 and 22.300.
- C. Damage to property or facilities. Any person who willfully or carelessly destroys, damages, disturbs, defaces, or interferes with any buoy, float, life preserver, wharf, vessel, equipment, structure, sign, notice, or any other property whatsoever, or discharges wastes causing obstruction, damage or any other impairment to District or ASD sewage facilities, the District may fine or assess a charge against the person, user, owner, tenant, lessee or licensee for the work required to clean, repair, or otherwise restore the facility to its condition before the damage occurred.
- D. Falsifying of information. Any person or entity who knowingly makes any false statements, representation, record report, plan or other document filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by this Code, shall be guilty of a misdemeanor.
- E. Injunction. Whenever an activity violates a provision of this Code causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate to stop such activity.
- F. Public Nuisance. Any violation of this chapter or of any order issued by the District as authorized by this Code constitutes a misdemeanor and is hereby also declared to be a public nuisance which may be corrected or abated as directed by the District.
- G. Termination of service. The District may revoke any Wastewater Discharge Permit, or terminate wastewater service to any premise, structure or site if a violation of any provision of this section is found to exist or threatens to cause contamination, pollution or a nuisance as defined in this Code. This provision is in addition to other statutes, rules or regulations, authorizing termination of service for late payment.

22.200 - Citations

Chapter Twenty-Two

All violations of this Code are misdemeanors, except for violations of Chapter 20, which in the discretion of the officer making the arrest and/or issuing the citation, may be treated as infractions. The Harbor Manager, all peace officers in the State of California and all code enforcement officers, as designated by the Board of Commissioners, are authorized to issue citations for violations of this Code.

22.210 - Code enforcement officers

The code enforcement officers of the District shall include the Harbor Manager, all peace officers in the State of California, and any other Harbor District employee designated by the Harbor Manager.

22.220 - Harbor Police

The Harbor Police of the District shall be those employees designated by the Board by resolution pursuant to Penal Code Section 830.33(b), and shall automatically include the Chief Harbor Patrol Officer and all Harbor Patrol Officers. All peace officers shall have current certificates showing successful completion of no less than a P.O.S.T. approved 40-hour Penal Code Section 832 training course.

22.225 - Authority of Harbor Police

Harbor Police shall have the authority to enforce the provisions of this Code and all state and local laws providing for the protection and safety of persons or the property of persons, including but not limited to, persons and property in and upon the waters subject to the jurisdiction of the District, and adjacent property owned or controlled by the District.

22.230 - Processing of citations

- A. Harbor Manager responsibilities. The Harbor Manager shall be responsible for processing of citations and in so doing, shall communicate with the Department of Motor Vehicles and San Luis Obispo County Municipal Court.
- B. Options of cited party. When a citation is issued, the person receiving the citation may do any of the following:
 - (1) Payment of bail requested. Payment shall be made to the San Luis Obispo County Municipal Court. If bail is posted on behalf of a person charged with a violation and no court appearance is requested by the person charged, the bail shall be forfeited and no further action taken against the alleged violator.
 - (2) Request for dismissal of parking citation. The Harbor Manager and Board may consider whether a parking citation was issued in error, is unjustified or for some other reason, should not be pursued. The Harbor Manager is authorized to request the dismissal of the parking citation and a refund of any bail money posted, if appropriate.
 - (3) Request for a court hearing. Bail shall be posted as required by the San Luis Obispo County Municipal Court. The Harbor Manager is authorized to arrange for court dates with the County Municipal Court. If the charges are dismissed in court, bail may be refunded upon the order of the Municipal Court. If charges are upheld, bail will be applied towards payment of the citation.

Chapter Twenty-Two**22.300 - Fines and bail amounts**

Any person, firm or corporation convicted of a violation of this Code shall be fined in accordance with this section. Bail amounts shall be collected by the San Luis Obispo County Municipal Court for citations issued for violations of this Code, except for parking fines, which may be submitted to the District if paid within 30 days after the citation is issued. The following bail amounts are hereby established for violations of Chapters 14, 18, and 20 of this Code.

Bail amounts for violations of the Port San Luis Harbor District Code of Ordinances are as specified within the most current approved bail schedule of the County of San Luis Obispo.

22.301 – Bail amounts

Bail amounts for parking citation shall include the following additional assessments:

- A. Per SB1407 (2009), \$4.50 of each parking citation bail amount, which shall be transmitted to the San Luis Obispo County Auditor-Controller for remittance to the State of California;
- B. Per Government Code Section 76000 et seq., \$5.00 of each parking citation bail amount, which shall be remitted to the San Luis Obispo County Auditor-Controller;
- C. Per Penal Code Section 1465.5 and 1465.6, \$2 of every \$10 of fine, forfeiture or parking penalty for violations of Vehicle Code Section 22507.8 (parking in spaces designated for disabled persons), which shall be remitted to the San Luis Obispo County Auditor Controller;
- D. Per Penal Code Section 1465.5 and 1465.6, 10% of every fine, forfeiture or parking penalty for violations of Vehicle Code Section 22507.8 (parking in spaces designated for disabled persons) and Vehicle Code 22522 (blocking sidewalk access ramps for disabled persons).

Chapter Twenty-Two

Port San Luis Harbor District Court Bail Schedule		
Code	Description	Bail
PSLH 1.420	Closure of Harbor District property	\$150.00
PSLH 1.720 (D) 1	Failure to vacate after lawful order	\$250.00
PSLH 1.720 (D) 2	Reenter Harbor District after lawful order	\$250.00
PSLH 14.020 (A)	Unlawful to handle petroleum products on pier	\$100.00
PSLH 14.020 (B)	Gasoline/oil leakage on pier	\$100.00
PSLH 14.020 (C)	Filling fuel tanks on pier	\$100.00
PSLH 14.030	Smoking on pier	\$75.00
PSLH 14.050	Overweight vehicles/damage to pier structure	\$300.00
PSLH 16.110	Boat speed 5 mph or less within mooring area / fairway	\$100.00
PSLH 16.120 (A)	Anchoring of vessel within mooring area	\$75.00
PSLH 16.120 (C)	Anchoring/mooring vessel w/o permission in mooring area	\$75.00
PSLH 16.150	Vessel operation within posted swim area prohibited	\$100.00
PSLH 16.200	Mooring vessels without permit	\$100.00
PSLH 16.220 (A)	Unauthorized placement of mooring	\$100.00
PSLH 16.220 (C) (1)	Unauthorized use of mooring	\$100.00
PSLH 16.220 (C) (2)	Unlawful sublet of mooring space or charge for use	\$100.00
PSLH 16.220 (C) (3)	Multiple vessels on a mooring	\$75.00
PSLH 16.220 (D)	Exceeding 14- consecutive days stay on transient mooring	\$75.00
PSLH 16.220 (E)	Subsurface gear on mooring or vessel not secure	\$75.00
PSLH 16.230	Use of seasonal mooring without a mooring permit	\$75.00
PSLH 18.015	Restricted aircraft use	\$250.00
PSLH 18.020	Possess/consume alcoholic beverage on District beach	\$90.00
PSLH 18.030 (B) 1	Animal regulation / leash law - 1st offense	\$75.00
PSLH 18.030	Animal regulation / leash law - 2nd offense	\$80.00
PSLH 18.030	Animal regulation / leash law - 3rd offense	\$180.00
PSLH 18.030 (B) 2,3,4,5	Camping/sleeping on District beach without permit	\$75.00
PSLH 18.040	Disobeying beach closure / hazard signs	\$100.00
PSLH 18.050 (A)	Jump/dive from any pier, structure, etc., posted	\$75.00
PSLH 18.050 (B)	Swim in restricted area	\$75.00
PSLH 18.060	Use/possession of explosives on District properties	\$300.00
PSLH 18.070 (A)	Fires on beaches outside of fire rings	\$75.00
PSLH 18.070 (B)	Burn pallets or manufactured wood on District beach	\$75.00
PSLH 18.080	Glass containers on beach / discarding refuse prohibited	\$75.00
PSLH 18.090	Overhead casting prohibited from piers	\$50.00
PSLH 18.100	Conducting activity on beach likely to cause injury	\$75.00
PSLH 18.110	Disturbing the peace	\$75.00
PSLH 18.120	Possess firearm device on District property	\$250.00

Chapter Twenty-Two

Port San Luis Harbor District Court Bail Schedule		
Code	Description	Bail
PSLH 18.140 (a) 1	Throw or deposit trash	\$75.00
PSLH 18.140 (a) 2	Bring trash into Harbor District	\$75.00
PSLH 18.140 (a) 3	Possess fireworks or explosives	\$75.00
PSLH 18.140 (a) 4	Noise that is likely to disturb	\$75.00
PSLH 18.140 (a) 5	Sell without authorization	\$75.00
PSLH 18.140 (a) 6	Enter posted closed area	\$75.00
PSLH 18.140 (a) 7	Enter utility area or tamper	\$75.00
PSLH 18.140 (a) 8	Riotous or indecent conduct	\$75.00
PSLH 18.140 (a) 9	Fail to comply with lawful order	\$150.00
PSLH 18.140 (a) 10	Remain in day use after closing	\$75.00
PSLH 20.020 (A) (1)	Parking in handicapped space without permit	\$340.00
PSLH 20.020 (A) (2)	Parking in permit space without permit	\$40.00
PSLH 20.020 (A) (3)	Parking in employee space without permit	\$40.00
PSLH 20.020 (A) (4)	Hazardous Materials Parking	\$110.00
PSLH 20.020 (B)	Vehicle exceeding posted time limits	\$40.00
PSLH 20.020 (C)	Parking in fire lane (red zone)	\$160.00
PSLH 20.020 (D)	All other parking violations - Posted	\$85.00
PSLH 20.200	Vehicles on beach prohibited except load/unload vessel	\$85.00
PSLH 20.300	Vehicles on piers	\$85.00
PSLH 20.400 (A)	Speed limit on Harford Pier - 5 mph	\$85.00
PSLH 20.400 (B)	Speed limit on District roads - 15 mph	\$85.00
PSLH 20.500	Unserviceable Vehicles	\$85.00
PSLH 20.600	Unregistered Vehicles	\$85.00
PSLH 20.700 (A)	Camp without a valid permit	\$75.00
PSLH 20.700 (B)	Camp not in designated area	\$75.00
PSLH 20.700(D)	Park more vehicles than allowed in campsite	\$75.00
PSLH 20.700 (E)	Not observing quiet hours	\$75.00
PSLH 20.700 (F)	Not occupying campsite	\$75.00