

Formerly

ORDINANCE NO. 11

An ordinance of Bethel Island Municipal Improvement District Regulating and Controlling Alterations to Encroachments Upon or Over and Discharges into the District's Drainage Systems.

Be It Ordained by the Board of Directors of the Bethel Island Municipal Improvement District as follows:

Section I. Purpose: The purpose of this Ordinance is to protect landowners, residents and members of the general public from the adverse effects of seepage, sewage, groundwater, rainwater runoff, irrigation return flow, and any other source of waters contributing to the drainage of the District, or the threat of floods caused by improper alterations to, encroachments upon or over and discharges into the District's drainage systems and to provide adequate access for routine and emergency inspection, maintenance and repair of the District's Drainage systems.

Section II. As used in this Ordinance, the following words and phrases shall, unless otherwise provided, have the following definitions:

(a) "District": The Bethel Island Municipal Improvement District.

(b) "District's Drainage Systems": all ditches, canals, crossings, culverts, pipes, pipelines, pumps and

ponds owned, operated or maintained by "District" including those areas appurtenant thereto necessary for the proper and convenient maintenance and operation of the same.

(c) "Person": Any person, persons, company, partnership, corporation, governmental body or any agent thereof.

Section III. No person shall and it shall be unlawful for any person to:

(1) grade, level, fill, raise, or excavate any lot or parcel or major portion thereof within the District; or

(2) fill, excavate, block, restrict or otherwise alter any part of said District's Drainage Systems; or

(3) discharge any material whether in liquid or other form from outside the District into said District's Drainage Systems or into any facility within "District" which discharges directly or indirectly by way of seepage into said District's Drainage Systems; or

(4) block, restrict or otherwise interfere with the maintenance or operation of said District's Drainage Systems;

(5) install or construct any culvert, crossing, gate or other structure altering or interfering with the flow or possible flow in said District's Drainage System:

except when expressly permitted to do so by a proper and revocable written permit, easement or agreement executed between said person and the District and upon payment to the District of any required fees, expenses, rental, or other compensation therefor.

Sections IV, V and VI are reserved for future amendment.

Section VII. Approval of any permit by the Board of Directors or Committee of the Board (duly designated by the Board of the District) pursuant to this Ordinance shall be contingent upon (1) the applicant agreeing to assume all liability resulting from the proposed installation, (2) the applicant agreeing to hold the District harmless from additional costs occasioned by such construction and necessitated by any future work on the District's Drainage Systems by the District, and (3) the applicant complying with any other conditions which the Board or committee of the Board in its discretion may from time to time deem appropriate.

The Board or Committee of the Board may in its discretion refuse to issue any or all permits and may from time to time establish general standards or guidelines which shall be conditions to the issuance of any permit. The Board or Committee of the Board may from time to time in its discretion adopt a standard application form or forms for use in administration of the permit procedure provided herein.

Section VIII. The District, by any authorized agent or employee, shall have the right to enter upon any property within the District at all reasonable times and places to determine compliance with this Ordinance.

Section IX. INTERPRETAION: CONSTITUTIONALITY: SEVERABILITY.

A: In interpreting and applying the provisions of this

Ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth.

B. The provisions of this Ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as enactments.

C. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences; clauses or phrases be declared unconstitutional or invalid.

D. This Ordinance shall upon effect supersede and replace the provisions of the other ordinances and laws, of the District in conflict herewith.

Section X. Any person who shall violate any of the provisions of this Ordinance shall in addition to any criminal penalty provided for herein be liable for all costs, expenses, and damages to the District caused by such violation.

Section XI. Any person who shall violate any of the provisions of this Ordinance is guilty of an infraction punishable as provided in Sections 19c and 19d of the Penal Code.

Section XII. If any person is arrested for a violation of this ordinance and the person arrested refuses to present a drivers license or other satisfactory evidence of his or her identification or refuses to sign a written promise to appear in Court, such person may be taken into custody. In all other cases the arrested person shall be provided with a duplicate copy of the written notice to appear in Court containing the name and address of the arrested person, the offenses charged, and the time and place where such person shall appear in Court.

Section XIII. In addition to all of the other remedies provided herein the Board with regard to any violation of this ordinance after issuing a cease and desist order or order for removal or alteration after issuing 72 hours prior written notice of the same by mail or by publication (in accordance with Government Code Section 6061) to the person or persons involved may perform at the cost and expense of the person or persons in violation any corrective work deemed appropriate or necessary by the Board.


Section XIV. Within fifteen (15) days of its adoption, this Ordinance shall be posted for seven (7) continuous days, with the names of the Directors voting for and against it, in three (3) public places within the District. This Ordinance shall take effect on the expiration of such posting.

PASSED AND ADOPTED BY the Board of Directors of the
BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT on the 17th
day of FEBRUARY , 1983, by the following vote:

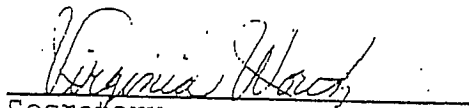
Ayes: Directors: Davis, Holmes, Mayea, McNamara & Powell

Noes: None

Absent: Directors: None


Howard J. Holmes
President-Board of Directors

ATTEST:


Virginia Wach
Secretary