

## **RESOLUTION NO. 2020-14**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING RESOLUTION NO. 2020-14, AMENDING RESOLUTION 2018-74, AMENDING THE CITY-WIDE ADMINISTRATIVE BAIL SCHEDULE**

**WHEREAS**, the administrative bail schedule was adopted via Resolution No. 2002-42; and

**WHEREAS**, the administrative bail schedule was amended most recently on December 18, 2018 by Resolution No.2018-74; and

**WHEREAS**, fines are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

**WHEREAS**, the State Water Resources Control Board issued the Phase II Municipal Separate Storm Sewer System (MS4) Permit which became effective on July 1, 2013, and mandates certain municipalities to comply with permit regulations to reduce or eliminate pollutants from entering into the Waters of the US; and

**WHEREAS**, the Hesperia Municipal Code contains regulations related to the MS4 Permit requirements; and

**WHEREAS**, the City of Hesperia is responsible for enforcement of the Hesperia Municipal Code in its entirety; and

**WHEREAS**, the City of Hesperia desires to regulate and administer all activities under the MS4 permit regulations and as such, must adopt the appointed fine schedule to cite administratively, persons, businesses, and facility operators responsible and who violate the requirements, fail to abate a violation, or who commence operations without proper permits from the City.

**WHEREAS**, Pursuant to the Hesperia Municipal Code, a public nuisance and may be prosecuted using administrative means by Code Enforcement or Law Enforcement or other authorized City staff. Inclusion of fines in the City Administrative Bail Schedule related to potential nuisance activities will allow Code Enforcement and Law Enforcement to abate violations related to related to surface and groundwater protection through the use of administrative fines

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. The following resolutions are hereby amended as of March 17, 2020: Resolution No. 2020-14.
- Section 3. The schedule of fines set forth in Exhibit "A" are hereby adopted and shall be applied to the specified violations. The effective date of this resolution shall be April 16, 2020.
- Section 4. Interpretation of this resolution may be made by the City Manager or designee.

Section 5. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 17<sup>th</sup> day of March, 2020.

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Larry Bird  
Mayor

ATTEST:

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Melinda Sayre  
City Clerk