

ORDINANCE NO. 11

AN ORDINANCE OF THE PLACER COUNTY WATER AGENCY PROHIBITING WATER THEFT, UNAUTHORIZED USE, AND TAMPERING OF AGENCY WATER FACILITIES, AND SETTING CORRESPONDING FINES, PENALTIES, AND ENFORCEMENT MEASURES FOR VIOLATIONS

WHEREAS, Placer County Water Agency ("Agency") is organized under the Placer County Water Agency Act of 1957 and is classified as a local agency; and

WHEREAS, the Agency is authorized by California Government Code Section 61064(a) to declare violations of its ordinances to be misdemeanors pursuant to Section 19 of the California Penal Code; and

WHEREAS, California Penal Code Section 498 prohibits the theft of utility services, including water; and

WHEREAS, the Agency has established Rules and Regulations governing water theft, unauthorized use, and tampering by customers within its service area; and

WHEREAS, this Ordinance provides enforcement authority and administrative fines or penalties for water theft, unauthorized use, and tampering committed by any individuals or entities who unlawfully access Agency water services; and

WHEREAS, pursuant to California Government Code Section 53069.4 et seq., the Agency may adopt an ordinance that prohibits water theft and makes a violation of that ordinance subject to administrative fines or penalties; and

WHEREAS, California Government Code Section 53069.45 provides the amount of the fines the Agency may impose for violations of an ordinance prohibiting water theft, and the fines for water theft involving tampering; and

WHEREAS, the Agency desires for the administrative fines or penalties for a violation of the ordinance regarding water theft as listed in California Government Code Section 53069.45 to be applicable to both treated and untreated water within the Agency's service area pursuant to this Ordinance; and

WHEREAS, pursuant to California Government Code Section 53069.46, the Agency may adopt an ordinance that prohibits water theft from fire hydrants, specifically, and makes a violation of that ordinance subject to administrative fines or penalties; and

WHEREAS, California Government Code Section 53069.46(b) prescribes enhanced graduated administrative fines for violation of an ordinance prohibiting water theft from fire hydrants, specifically; and

WHEREAS, the Agency has determined that it is appropriate to adopt an ordinance prohibiting water theft, and water theft from fire hydrants, and providing the Agency with

authority to impose administrative fines or penalties for the theft of treated or untreated water, and providing for enhanced graduated fines for theft of water from fire hydrants to protect this vital resource; and

WHEREAS, the Agency's Board of Directors finds that this Ordinance is consistent with the policies of the Agency.

The Board of Directors of Placer County Water Agency, pursuant to its authority under Section 9 of the Placer County Water Agency Act (California Stats. 1957, c. 1234, p. 2530), does ordain as follows:

Section 1. Definitions

When used in this Ordinance, the following terms shall have the following meanings:

- (a) "Water theft" means an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the California Penal Code, within the Agency's service area, without Agency authorization, and includes the following:
- (b) "Divert" means to change the intended course or path of water without the authorization or consent of the Agency.
- (c) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing a normal or customary function.
- (d) "Reconnection" means the reconnection of service by a customer or other person after service has been lawfully disconnected by the Agency.

Section 2. Prohibitions

It is unlawful for any person to engage in, participate in, or benefit from any act of water theft, including but not limited to:

- (a) Divert or cause diversion of water utility service by any means without Agency authorization.
- (b) Tamper with any Agency meter, pipeline, hydrant, turnout, or other facility.
- (c) Reconnection of service without Agency authorization.
- (d) Use a fire hydrant or fire service connection without Agency authorization for any purpose other than fire suppression.
- (e) Receive or benefit from unauthorized water use with knowledge of the unauthorized activity.

Section 3. Administrative Penalties

Each act of the prohibitions above constitutes a misdemeanor. The Agency may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the California Penal Code. In addition to pursuing criminal penalties, the Agency may, upon discovering water theft, also pursue the following remedies or other remedies available under any other law:

(a) If water theft is committed by meter tampering, or tampering of an untreated water canal turnout or facility, an administrative penalty of up to:

1. A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
2. A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.
3. A fine not exceeding one thousand three hundred dollars (\$1,300) for the third violation and each additional violation of the same ordinance.

(b) If water theft is committed by any means other than meter tampering, an administrative penalty of up to:

1. A fine not exceeding one thousand dollars (\$1,000) for a first violation.
2. A fine not exceeding two thousand dollars (\$2,000) for a second violation of the same ordinance within one year of the first violation.
3. A fine not exceeding three thousand dollars (\$3,000) for each additional violation of the same ordinance.

(c) If water theft is committed via the unauthorized connection to a fire hydrant, an administrative penalty of up to:

1. A fine not exceeding two thousand five hundred dollars (\$2,500) for a first violation.
2. A fine not exceeding five thousand dollars (\$5,000) for a second violation of the same ordinance.
3. A fine not exceeding ten thousand dollars (\$10,000) for the third violation and each additional violation of the same ordinance.

The above penalties are the maximum amounts provided for under California Government Code Sections 53069.45 and 53069.46, as may be amended, and shall be updated to correspond with maximums or escalations allowed thereunder, as may be revised, without amendment of this Ordinance.

Section 4. Enforcement

In addition to any other remedies provided in this Section or available under applicable law, the Agency may also seek injunctive relief in the Superior Court of California or take other enforcement or legal action available to the Agency. All remedies provided herein shall be cumulative and not exclusive.

Enforcement Officer

The Agency's General Manager, or designee, is hereby declared and appointed as the Enforcement Officer for administrative fines and penalties related to water theft, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the Agency's Board of Directors or be reasonably necessary for enforcement of this Ordinance.

Enforcement of Violations

- (a) Upon discovery of a violation of this Ordinance, a "Notice of Violation" will be mailed and delivered to the violating party. The notice shall include a warning that further violation could result in stricter penalties.
- (b) Customers may appeal enforcement fines to the Enforcement Officer.
- (c) The Agency may remove and impound any equipment, hoses, tools, fittings, valves, pumps, meters, or other personal property used in connection with an unauthorized diversion or theft of water, or theft from a fire hydrant. Such personal property shall be retained pending completion of any investigation or proceeding. Personal property that is not thereafter claimed may be disposed of in accordance with applicable law.

Hardship Waiver

The Enforcement Officer may grant hardship waivers to reduce the amount of the fine imposed for water theft upon a showing by the responsible party that the payment of the full amount of the fine would impose an undue financial burden on the responsible party. Requests for a hardship waiver must be submitted within ten (10) days of receiving the Notice of Violation. Such waivers may be granted only upon written application thereof. The Enforcement Officer may approve full or partial adjustments and establish any conditions they deem appropriate and reasonable to resolve a hardship dispute.

Payment and Appeals Procedure

The Agency shall calculate the amount of any administrative fines and penalties to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record, an invoice for payment of administrative fines or penalties may be sent to the offender, water user, or recipient.

- (a) Any person (an "Appellant") who wishes to appeal the imposition of administrative fines or penalties imposed by the Agency pursuant to this article shall comply with the following procedures:
 - 1. The Appellant shall submit an appeal request in writing or in person to the Enforcement Officer, or designee, no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.
 - 2. A response to the appeal request shall be provided by the Enforcement Officer within thirty (30) calendar days from receipt of the appeal request.

- (b) The Appellant may request to provide evidence in writing or in person in support of his or her appeal.
- (c) Any Appellant whose complaint or request for an adjustment has resulted in an adverse determination by the Enforcement Officer may appeal the determination to the Board of Directors.
- (d) Within ten (10) days after any denial of an appeal, the Appellant shall pay any administrative fines or penalties imposed by the Agency. Failure to pay such penalties may result in legal action or other enforcement measures available to the Agency.
- (e) The provisions of Section 1094.6 of the California Code of Civil Procedure shall be applicable to judicial review of the decision.

Section 5. Severability

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. Publication and Posting

The Clerk of the Board is hereby directed to publish this Ordinance, or a summary thereof, within fifteen (15) days after adoption.

Section 7. Effective Date

This Ordinance shall become effective and be in full force 30 days after the date of its passage.

The foregoing Ordinance was duly adopted by the Board of Directors of the Placer County Water Agency at a regular meeting held on the _____ day of _____, 2026, by the following vote on roll call:

AYES DIRECTORS:

NOES DIRECTORS:

ABSENT DIRECTORS:

Signed and approved by me after the adoption of this Ordinance on the _____ day of _____, 2026.

Chair, Board of Directors
Placer County Water Agency

ATTEST:

Clerk to the Board
Placer County Water Agency