



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 4, 2022

FROM: PUBLIC UTILITIES DEPARTMENT WARDS: ALL

SUBJECT: ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ADOPTING CHAPTER 14.23 OF THE RIVERSIDE MUNICIPAL CODE TO PROHIBIT AND ENFORCE WATER THEFT AND UNAUTHORIZED WATER USE

ISSUE:

Introduce and adopt an Ordinance adding Chapter 14.23 to the Riverside Municipal Code to prohibit and enforce water theft and unauthorized water use.

RECOMMENDATION:

That the City Council introduce and subsequently adopt an Ordinance adding Chapter 14.23 to the Riverside Municipal Code to prohibit and enforce water theft and unauthorized water use.

BOARD RECOMMENDATION:

The Board of Public Utilities met on September 12, 2022, to consider an Ordinance for Chapter 14.23 of the Riverside Municipal Code to prohibit and enforce water theft and unauthorized water use. After discussion, the Board Members present voted to recommend that the City Council introduce and adopt an Ordinance adding Chapter 14.23 to the Riverside Municipal Code to prohibit and enforce water theft and unauthorized water use.

BACKGROUND:

On January 12, 2022, the Water Committee received a presentation on Water Loss - that proposed efforts to reduce water loss, assist in meeting upcoming State compliance requirements and identify recoverable losses when economically feasible. Introducing a water theft ordinance to deter unauthorized consumption can help meet the goals mentioned with minimal costs to the City.

The California Governor approved Senate Bill 427 on July 23, 2021, which authorizes a local agency's legislative body to adopt a water theft ordinance with specific fine amounts. It also defines water theft, found in the California Penal Code section 498. This process requires the adoption of an ordinance.

DISCUSSION:

The California Government Code §53069.45 defines Water Theft as an action to divert, tamper, or reconnect water utility services. Violators of this section will be liable for the total costs incurred by Riverside Public Utilities (RPU) to respond to an unauthorized or improper connection. Using water from the water system without RPU's authorization is considered a crime, and unauthorized connections pose serious contamination risks to RPU's water supply and can cause expensive damage to RPU's water delivery system. RPU's customers must absorb the cost of stolen water through higher rates. Illegal hydrant tapping increases the risk of water hammer occurring and can break and create costly damage to our reliable water system. Water hammer is a phenomenon caused by sudden or extreme changes in pressure that can blow out pipe joints and cause pipes to rupture suddenly.

In addition to posing health risks, water theft makes it more difficult for RPU to account for the water being used by customers accurately. The revenue lost from water theft is ultimately passed on to paying customers.

This new ordinance will include provisions where violators will be charged for the unauthorized estimated water use as determined by the RPU's rate structure, plus an administrative fine or penalty as specified in the California Government Code §53069.45. These administrative fines and penalties are as follows:

- For water theft and unauthorized water use via meter tampering, fines shall be \$130 for the first violation, \$700 for the second violation, and \$1,300 for the third violation, and each additional violation thereafter within one year of the first violation;
- For all other violations, fines shall be \$1,000 for the first violation, \$2,000 for the second violation, and \$3,000 for each additional violation within one year of the first violation.

The ordinance will better align with the new State water conservation requirement regarding the water loss performance standards, help in the efforts of water loss reduction, and help recover related costs due to the unauthorized use of water. The provisions included in the attached ordinance would be codified into the Riverside Municipal Code (RMC).

STRATEGIC PLAN ALIGNMENT:

The Water Loss Discussion contributes to **Strategic Priority 4 - Environmental Stewardship** and **Goal 4.2** – Sustainably manage local water resources to maximize reliability and advance water reuse to ensure safe, reliable and affordable water to our community; and **Strategic Priority 5 - High Performing Government** and **Goal 5.2**. – Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and improve access to and delivery of financially sustainable City services.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The ordinance aims to identify and curb unauthorized water uses and protect City of Riverside water system, thereby enhancing community trust.
2. **Equity** – All customers within RPU's service area will benefit from the ordinance of having reliable drinking water.

3. **Fiscal Responsibility** – The ordinance will help reduce the cost of water to customers and improve the City's financial strength by recouping the costs and fees of unauthorized uses.
4. **Innovation** – The ordinance will create a collaborative environment among City departments to enforce to prohibit and enforce water theft and unauthorized water use.
5. **Sustainability & Resiliency** –The ordinance provides a stronger deterrent to unauthorized water uses, which will help protect RPU's valuable resources.

FISCAL IMPACT:

There is no fiscal impact associated with this informational report.

Prepared by:	Todd M. Corbin, Utilities General Manager
Certified as to availability of funds:	Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer
Approved by:	Kris Martinez, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:
1. Draft Ordinance
2. Presentation