

ORDINANCE NO.

AN 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

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 14.23, Water Theft and Unauthorized Water Use, is hereby adopted and added to the Riverside Municipal Code as follows:

**Chapter 14.23 – DEFINITIONS**

**14.23.010 – Definitions:**

The following definitions shall apply to this Chapter:

- A. *Water theft* means an action to divert, tamper, or reconnect water utility services.
- B. *Divert* means to change the intended course or path of water without the authorization or consent of the utility.
- 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 water service by a customer or other person after service has been lawfully disconnected by the utility.
- E. *Unauthorized water use* is defined as
  - (1) The use of water from a stationary service connection where lawful water service has not been established or has been disconnected by the utility;
  - (2) The use of water from a City-owned fire hydrant for any use other than fire suppression, except where a permit has been issued by the Public Utilities General Manager, or designee, for temporary service;
  - (3) Any use of a City-owned hydrant in violation of the terms and conditions of a hydrant permit;
- F. *Person* and *Responsible Party* shall have the same meanings as defined in Chapter 1.17 of this Code.

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**14.23.020 – Water Theft and Unauthorized Water Use Prohibited**

Unauthorized use and improper connection to the water system poses a public health threat and endangers water quality. As such, this Chapter of the Riverside Municipal Code is adopted as authorized by California Government Code section 53069.45. Water theft and unauthorized water use as defined in this chapter are hereby prohibited.

**14.23.030 – Administrative Penalties**

A. In addition to any remedy available at law, any person or responsible party in violation of any provision of this chapter is subject to the issuance of an administrative citation pursuant to Chapter 1.17 of this Code, except that the fine shall be as provided in this section.

B. Fines. Administrative citations shall be accompanied by a fine as follows:

i. 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;

ii. 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.

C. Each day a violation of this Chapter continues to exist shall constitute a new, separate, and distinct violation.

D. Appeals and Hardship Waivers. Administrative citations issued for violations of this Chapter may be appealed in accordance with the provisions of Chapter 1.17 of this Code. In addition to any other order authorized by Chapter 1.17, an Administrative Hearing Officer may reduce or eliminate the fine upon a showing by the responsible party that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

**14.23.050 – Responsibility for Water Costs**

A. A person who has violated this chapter shall be liable for the costs of the estimated volume of water used, as determined by the Department of Public Utilities, charged at the then current applicable water rate adopted by the City Council.

1 B. Costs imposed by this chapter are in addition to any other costs that may be  
2 recovered under this Code, including but not limited to those costs authorized by Chapter 1.17.

3 C. Water costs assessed in accordance with this Chapter may be billed in accordance  
4 with the usual billing practices of the Department of Public Utilities, where the responsible party  
5 is a customer of record. If the responsible party is not a customer of record, an invoice for  
6 payment may be served in the same manner as provided in section 1.17.040 of this Code. Water  
7 costs may be disputed and collected in accordance with the procedures provided in the Water  
8 Rules adopted by the City Council and published on the website for the Department of Public  
9 Utilities.

10 **14.23.060 –Cumulative Remedies and Severability**

11 A. The remedies available in this chapter shall be cumulative with any other  
12 available remedy and in addition to any other remedy available at law or equity. The pursuit of  
13 one or more remedies by the City shall not bar the use of any other remedy for the purpose of  
14 enforcement of this chapter.

15 B. If any phrase, section, sentence, or word of this ordinance is held invalid by a  
16 court of competent jurisdiction, such invalidity shall not affect any other phrase, section,  
17 sentence, or word of the ordinance that can be given effect without the invalid phrase, section,  
18 sentence, or word, and to this end each phrase, section, sentence, or word of this ordinance is  
19 declared to be severable.

20 Section 2: The City Council has reviewed the matter and, based upon the facts and  
21 information contained in the staff reports, administrative record, and written and oral testimony,  
22 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),  
23 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,  
24 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical  
25 change in the environment nor have a significant impact on the environment, and is not a project  
26 as defined in Section 15378.

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1 Section 3: The City Clerk shall certify to the adoption of this ordinance and cause  
2 publication once in a newspaper of general circulation in accordance with Section 414 of the  
3 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the  
4 date of its adoption.

5 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
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8 \_\_\_\_\_  
9 PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

10 ATTEST:  
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12 \_\_\_\_\_  
13 Donesia Gause  
City Clerk of the City of Riverside

14 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
15 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2022, and that hereafter the said ordinance was duly  
17 and regularly adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_,  
18 2022, by the following vote, to wit:

19 Ayes:

20 Noes:

21 Abstain:

22 Absent:  
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24 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of  
the City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
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27 \_\_\_\_\_  
28 DONESIA GAUSE  
City Clerk of the City of Riverside

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