



*EAST BAY MUNICIPAL UTILITY DISTRICT*

# **Amendment to Water Theft Penalty Ordinance Second Reading**

**Board Meeting  
September 12, 2017**

# Agenda

- **Background**
- **Board Actions**
- **Sample Water Theft Timeline**
- **Water Theft Occurrences**
- **Ordinance Modifications**
- **Comparison of Other Agencies**
- **Next Steps**

# Water Theft Penalty Ordinance

- Board adoption April 28, 2015
- Discourage and prevent water theft
- District authority to impose administrative penalties on any person who performs water theft
- Consistent with California Penal Code which defines water theft as a misdemeanor

## WARNING!

**DO NOT RESTORE YOUR WATER SERVICE!**

**WATER THEFT IS A CRIME** and under EBMUD's Water Theft Ordinance #365-15, you could be subject to financial penalties!

**DO NOT** open, or tamper with any residential water meter that has been turned off.

**DO NOT** have any unauthorized connections to EBMUD's water system.

**DO NOT** attempt to take water illegally from a public fire hydrant.

**ALL** of these actions constitute **water theft**, and could subject you to criminal and/or financial penalties.

EBMUD's **WATER THEFT ORDINANCE** can be found in its entirety on EBMUD's website at [www.ebmud.com/water-theft](http://www.ebmud.com/water-theft)

Under the Water Theft Ordinance, the following penalties apply:

**\$1,000** First Violation

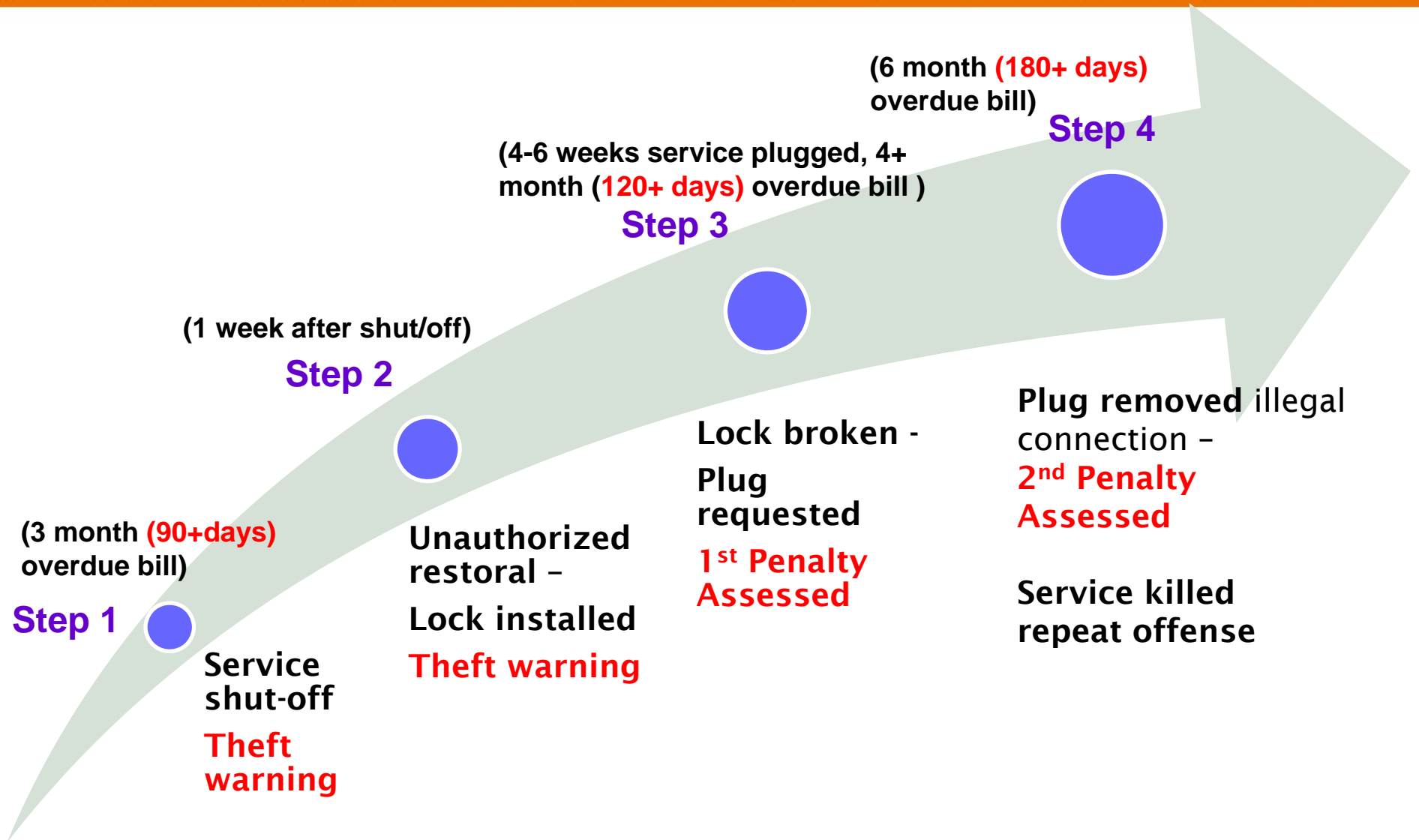
**\$2,000** Second Violation within 12 months of the prior violation date

**\$3,000** Each additional violation within 12 months of the prior violation date

# Board Actions

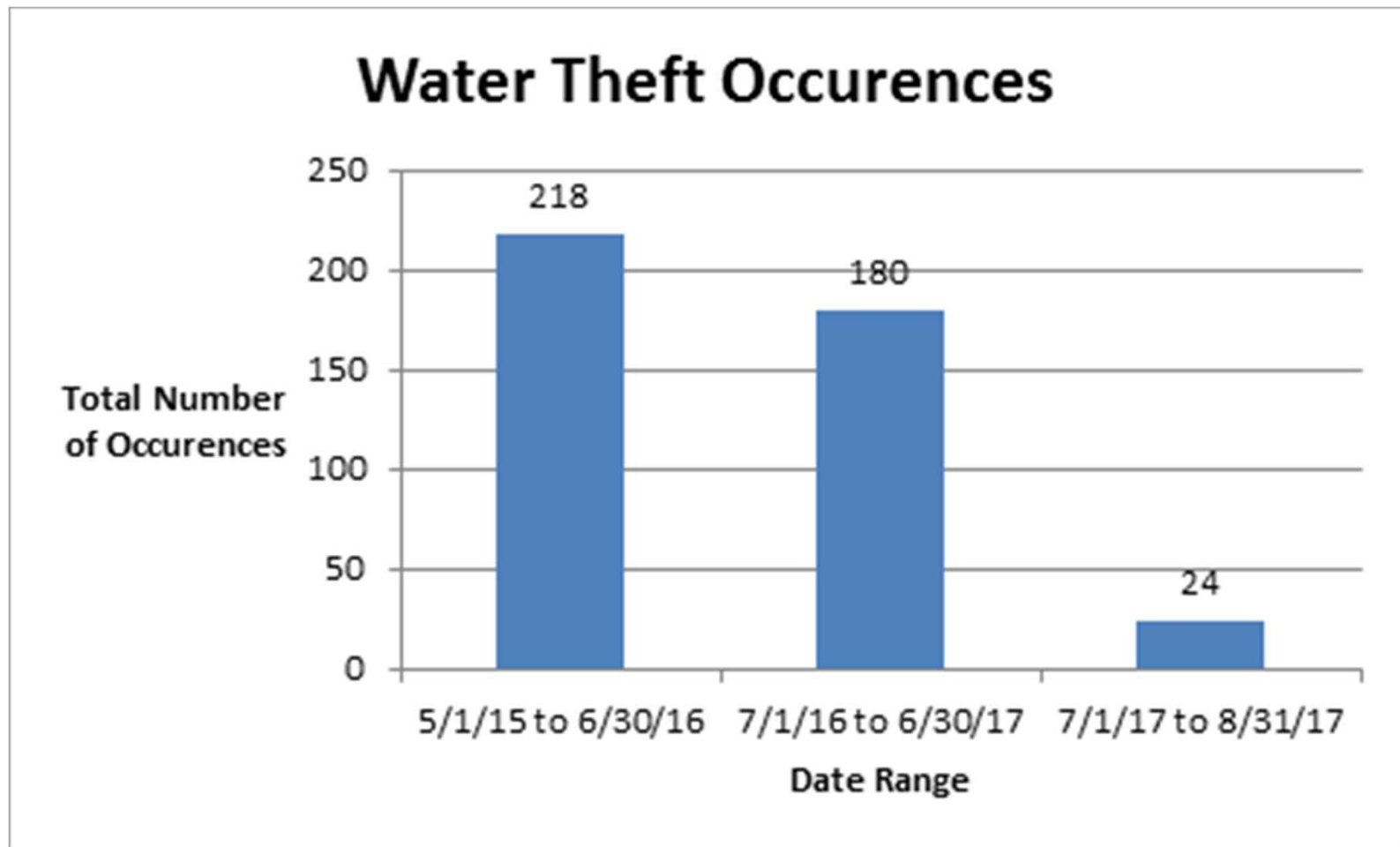
- **First amendment to Ordinance**
- **Board majority vote to reduce penalties for meter tampering**
- **First reading August 8, 2017**
- **Second reading and final action**

# Sample Water Theft Action Timeline



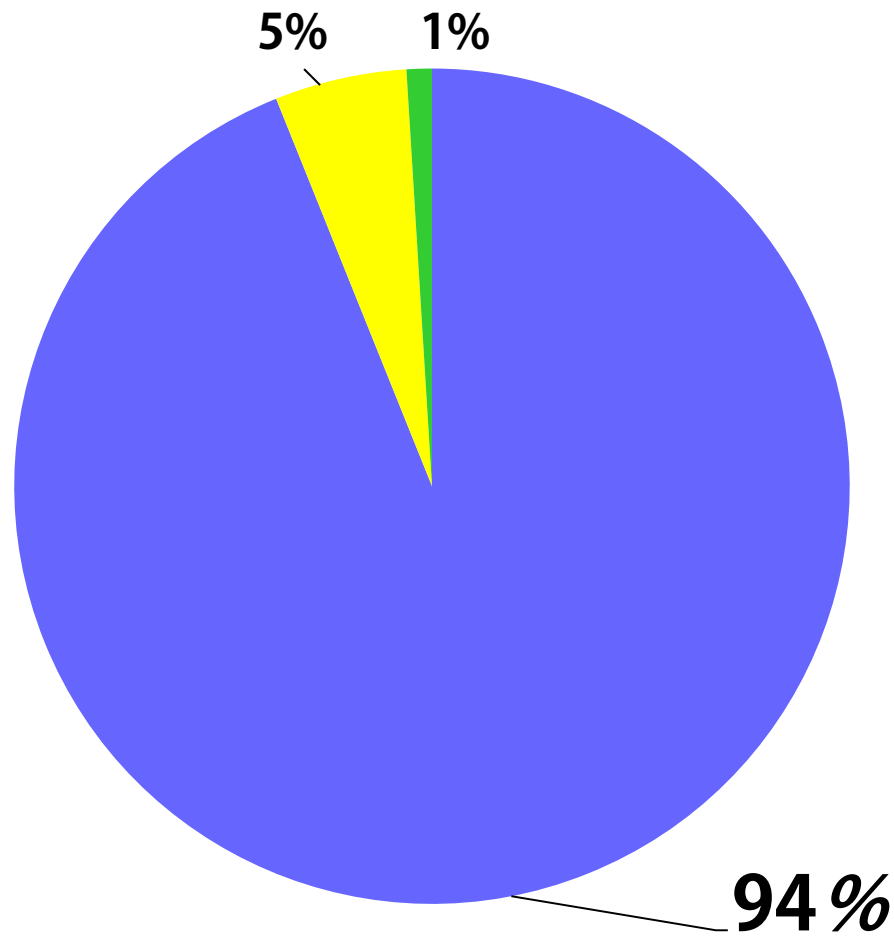
# Water Theft Occurrences

**Total Occurrences = 422**  
(May 2015 - Aug 2017)



# Water Theft By Type

■ Meter Tampering    ■ Lateral Diversion    ■ Use of Fire Hydrant





# Meter Tampering



- **Unauthorized restoral of service**
- **Most frequent theft**
- **Customer concerns**
- **Impacts low-income**



# Ordinance Modifications

<b><i>Meter Tampering</i></b> <b>- New</b>	<b>Lateral Diversion</b> <b>- No change</b>	<b>Unauthorized Hydrant Use</b> <b>- No change</b>
<b><i>\$200/\$400/\$800</i></b>	<b>\$1000/\$2000/\$3000</b>	<b>\$1000/\$2000/3000</b>
<b><i>Less volume loss</i></b>	<b>Public health and safety</b>	<b>Public health and safety</b>
<b><i>Existing standard service</i></b>	<b>Water Quality</b>	<b>Water Quality</b>
	<b>Damage to facilities</b>	<b>Large volume loss</b>
		<b>Resale of water</b>

# Survey of Other Agencies

Agency	Penalty/Fine	Action Taken
<b>El Dorado Irrigation District</b>	<b>Yes</b>	<b>Meter tampering fee \$100; pulled meter \$500 Water theft (first occurrence) \$1,000 fine + commodity charge for water used + reimbursement of staff time + termination</b>
<b>DSRSD</b>	<b>Yes</b>	<b>1st offense-\$250 , 2nd offense-\$500 , for each additional offense-\$1000</b>
<b>Cotati Water District</b>	<b>Yes</b>	<b>\$100 illegal turn on/use 1st offense, \$500 illegal turn on/use 2nd offense. \$5000 unauthorized connection</b>
<b>Coachella Water District</b>	<b>Yes</b>	<b>\$1000 tampering fee per incident</b>
<b>Contra Costa Water District</b>	<b>Yes</b>	<b>A fine of \$250 plus the cost of water taken is charged for the first offense, \$500 plus the cost of water is charged for each subsequent offense. Discontinue service; referral to law enforcement in egregious situations.</b>
<b>City of Rohnert Park</b>	<b>Yes</b>	<b>Tampering: 1st offense \$100; 2nd \$250; 3rd and \$500 each subsequent offense</b>
<b>Marin Municipal Water District</b>	<b>Yes</b>	<b>Imposes charges equal to 3x the Tier 1 water rate. After initial notification, a \$500 penalty will be charged for each subsequent violation. Discontinue service.</b>
<b>City of Santa Cruz</b>	<b>Yes</b>	<b>Discontinue service/pull meter; possible criminal/civil/administrative citation</b>

## **Next Steps**

- **Effective 31st day after adoption**
- **Update Ordinance**
- **Update schedule of Rates & Charges**
- **Revise warning notices**