

ORDINANCE 26-01

AN ORDINANCE BY THE BOARD OF DIRECTORS OF LA HABRA HEIGHTS COUNTY WATER DISTRICT ("LHCWD") TO AMEND ITS RATES, RULES AND REGULATIONS REGARDING WATER THEFT AND TAMPERING BY REPLACING SECTION 14 OF THOSE REGULATIONS

1. RECITALS

WHEREAS the unauthorized use and/or tampering with LHCWD's water system pose a public health threat, endanger water quality, and unfairly shift the financial burden to paying LHCWD customers; and

WHEREAS Government Code Section 53069.45 authorizes a water district such as LHCWD to adopt an ordinance that prohibits water theft and tampering and make a violation of the ordinance the subject to an administrative fine or penalty.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LHCWD ORDAINS AS FOLLOWS:

2. ORDINANCE

LHCWD's Board of Directors hereby revises and replaces Section 14 of its Rates, Rules and Regulations (entitled "No Meter Bypasses Allowed") in its entirety with the following new Section 14 (entitled "Water Theft and Tampering") containing the following language:

"Section 14 – Water Theft and Tampering

A. Definitions

"Water theft" means an action to divert, tamper, or reconnect water utility services.

"Divert" means the unauthorized change of the intended course or path of LHCWD water.

"Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent, frustrate, or hinder a water facility from performing its normal or customary function.

"Reconnection" means the reconnection of water service by a customer or other person after service has been lawfully disconnected by LHCWD.

"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 LHCWD; (2) the use of water from an LHCWD-owned fire hydrant for any use other than fire suppression, except where a permit has been issued by LHCWD for temporary service; and/or (3) any use of an LHCWD-owned hydrant in violation of the terms and conditions of a hydrant permit.

B. Administrative Citations

In addition to any other available legal remedy, any person or responsible party in violation of any provision of this ordinance is subject to the issuance of an administrative citation or citations as provided for in this ordinance or elsewhere in LHCWD's Rates, Rules and Regulations.

C. Fines

If water theft is committed via meter tampering in violation of this ordinance, it is punishable as follows:

- (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 within one year of the first violation.

All other forms of water theft or tampering, including but not limited to fire hydrant tampering or theft of water therefrom, in violation of this ordinance are punishable as follows:

- (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.
- (3) A fine not exceeding three thousand dollars (\$3,000) for each additional violation of the same ordinance within one year.

This ordinance does not preclude remedies available under any other law, including provisions in the Penal Code or the Civil Code, or under LHCWD's Rates, Rules and Regulations.

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

D. Appeal and hardship waiver

Administrative citations issued for violations of this ordinance may be appealed by contacting the General Manager of LHCWD, in writing, within thirty (30) days of the date of the notice of violation. Upon review of the appeal, the General Manager, or his/her designee, may, in his/her sole discretion, confirm the fine or, in the alternative, modify, 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.

E. Water Costs

In addition to any fines or other remedies imposed by this ordinance, applicable laws, or LHCWD's Rates, Rules and Regulations, a person or party who has violated this ordinance shall

be liable for the costs of the estimated volume of water used, as determined by LHHCWd, charged at the applicable water rate adopted by LHHCWd at the time of the violation.

F. Cumulative Remedies

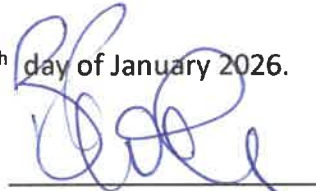
The remedies available in this ordinance shall be cumulative with any other available remedy and in addition to any other remedy available at law or equity. The pursuit of one or more remedies by LHHCWd shall not bar the use of any other remedy for the purpose of enforcement of this ordinance.

G. Severability

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

Except as set forth within this ordinance, LHHCWd's Rates, Rules and Regulations are hereby reaffirmed in their entirety.

ADOPTED, SIGNED, AND APPROVED this 27th day of January 2026.



Brad Cooke, President
Board of Directors of
La Habra Heights County Water District

ATTEST:


Joe Matthews, Secretary

(SEAL)