

ORDINANCE NO. 01.20.26.01

**AN ORDINANCE OF THE FLORIN RESOURCE
CONSERVATION DISTRICT BOARD OF DIRECTORS
REPEALING AND REPLACING ORDINANCE NO. 01.18.22.01 PROHIBITING
THE THEFT OF WATER AND TAMPERING WITH DISTRICT FACILITIES**

BE IT ORDAINED by the Board of Directors of the Florin Resource Conservation District as follows:

WHEREAS, the Florin Resource Conservation District (District) is a resource conservation district duly organized and existing under and pursuant to Division 9 of the Public Resources Code of California;

WHEREAS, the District is authorized and empowered to acquire, own, operate, maintain, construct, finance, improve and extend a public water system and provides public water utility services within its jurisdiction;

WHEREAS, the Board of Directors enacted and has been enforcing Ordinance No. 01.18.22.01 Prohibiting the Theft of Water and Tampering with District Facilities;

WHEREAS, Senate Bill 394 (Stats. 2025, ch. 540), effective January 1, 2026, authorizes local agencies providing water service to adopt ordinances imposing enhanced administrative fines and penalties for unauthorized connections to fire hydrants and to provide that a civil cause of action may be brought for tampering with fire hydrants and related facilities or making unauthorized water diversions from such facilities ;

WHEREAS, the District Board of Directors finds that this Ordinance is in the best interests of the District to protect the health, safety and welfare of its customers and the community; and

WHEREAS, the District Board of Directors finds that this Ordinance is consistent with state law and the policies of the District.

**NOW, THEREFORE, THE FLORIN RESOURCE CONSERVATION DISTRICT
BOARD OF DIRECTORS HEREBY DETERMINES AND ORDAINS AS FOLLOWS:**

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Adoption of Ordinance. The Florin Resource Conservation District/Elk Grove Water District Ordinance Prohibiting the Theft of Water and Tampering with District Facilities, as described in Exhibit A, attached hereto and incorporated by reference, is hereby adopted.

Section 3. California Environmental Quality Act Compliance. The District Board of Directors finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act

(CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Section 4. Invalidity. If any provision of this Ordinance or application of it to any person or circumstance is held invalid, all other provisions of this Ordinance that remain valid and can be fairly applied shall remain in and be given effect.

Section 5. Repeal of Prior Ordinances. District Ordinance No. 01.18.22.01 is hereby repealed in its entirety and of no further effect and is replaced in full by this Ordinance as of its effective date. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any other prior District ordinances, resolutions, rules, or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed as of the effective date of this Ordinance.

Section 6. Ordinance Effective Date; Posting. This Ordinance shall take effect immediately upon its adoption by the Board of Directors. The Board Secretary shall post copies of this Ordinance in three public places within the District within 10 days of its enactment.

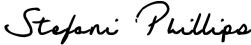
PASSED AND ADOPTED by the Florin Resource Conservation District Board of Directors on this 20th day of January, 2026 by the following vote:

- AYES:** Green, Lindsay, Medina, Mulberg, Nelson
- NOES:**
- ABSENT:**
- ABSTAIN:**

Signed by:

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 Paul Lindsay
 Chair

ATTEST:

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 Stefani Phillips
 Board Secretary

APPROVED AS TO FORM:


Signed by:

 DC8517378883497...
 Joshua M. Horowitz
 General Counsel

EXHIBIT "A"

FLORIN RESOURCE CONSERVATION DISTRICT/ELK GROVE WATER DISTRICT

**"PROHIBITION OF THEFT OF WATER AND TAMPERING WITH DISTRICT
FACILITIES"**

[Attached behind this cover page]

PROHIBITION OF THEFT OF WATER AND TAMPERING WITH DISTRICT FACILITIES

SECTION 1. WATER THEFT PROHIBITED

1.1 Water Theft. For purposes of this Ordinance, “water theft” means and includes all of the following:

1. The unauthorized use, diversion, receipt or taking of District water by any means from any public fire hydrant, blow-off valve, water meter, water main, water service lateral or other District facility or connection to a District facility; and
2. The use, diversion, receipt or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities, such as by removing a lock or plug that has been placed on a customer’s service or meter, or unauthorized use, or by tampering with a service connection to any District facilities and any public fire hydrant.

1.2 Unauthorized Use. For the purposes of this Ordinance, “unauthorized use” includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of the hydrant meter in violation of the terms and conditions of a hydrant meter permit.

1.3 Tampering. Tampering with District equipment or facilities is considered grounds for imposing fines and penalties, up to and including discontinuing water service. “Tampering” shall include, but not be limited to:

1. Opening valves at the curb or meters that have been turned off by District personnel;
2. Breaking, picking or damaging cut-off locks;
3. Bypassing meters in any manner;
4. Taking unmetered water from hydrants by anyone other than authorized officials of a fire department, fire insurance company or District employee for any purpose other than firefighting, testing or flushing of water mains and fire hydrants;
5. Use of sprinkler system water for any purpose other than fire protection;
6. Removing, disabling or adjusting a meter or meter register;
7. Connecting to or intentionally damaging water lines, valves or other appurtenances;
8. Moving meters or extending service without written permission of the District;
9. Any intentional act of defacement, destruction or vandalism to District property;

10. Any intentional blockage or obstruction of District property.

1.4 Prohibited Conduct. Water theft and tampering with District facilities are prohibited by this Ordinance. Certain acts of water theft or tampering may also constitute criminal offenses under applicable provisions of state law, specifically Penal Code sections 498, 624, and 625.

1.5 Prosecution. The District may report any water theft or tampering to the appropriate prosecuting criminal agency and request prosecution of said activity pursuant to the Penal Code. The District may submit a record of the vehicle license plate number, available photographs and any other applicable information to the County of Sacramento Sheriff's Department or City of Elk Grove Police Department to aid in the investigation and prosecution of such conduct.

SECTION 2. ADMINISTRATIVE PENALTIES

2.1 Remedies. Pursuant to Government Code sections 53069.45 and 53069.46, in addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies:

1. Require the immediate removal of any equipment, connections or tools used to accomplish the water theft of District property;
2. Impose on the customer or perpetrator an administrative penalty for violation of this Ordinance per the following:
 - a. Water theft committed via meter tampering:
 - i. \$130 for the first violation;
 - ii. \$700 for the second violation occurring within one year of the first violation; and
 - iii. \$1,300 for each subsequent violation of this Ordinance.
 - b. All other forms of water theft:
 - i. \$1,000 for the first violation;
 - ii. \$2,000 for the second violation occurring within one year of the first violation; and
 - iii. \$3,000 for each subsequent violation of this Ordinance.
 - c. Water theft committed via an unauthorized connection to a fire hydrant:
 - i. \$2,500 for the first violation.
 - ii. \$5,000 for the second violation of this Ordinance.
 - iii. \$10,000 for each subsequent violation of this Ordinance.

- iv. For purposes of this subsection, “unauthorized connection to a fire hydrant” includes the unauthorized use of a fire hydrant, fire hydrant meter, or fire detector check.
3. A customer or perpetrator shall be charged all costs incurred by the District associated with reporting the violation including, but not limited to, labor, materials and equipment used to report the incident and all costs incurred by the District to replace or repair any District facilities or other items that were tampered with, damaged or removed for the purpose of receiving water without paying the full lawful charge. These costs are subject to an overhead and administrative charge of fifteen percent (15%). No further water service shall be provided to a customer until all fees and charges are paid in full.

SECTION 3. OTHER REMEDIES

3.1 Enforcement Action. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may seek injunctive relief in the County of Sacramento Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a customer or any other person turns on water service without District authorization; tampers with any locked water meter; tampers with a service connection or District facilities; bypasses a meter; makes an unauthorized connection to District facilities without District permission; or commits water theft, the District may:

1. Turn off the water service and install a lock;
2. Estimate, if necessary, the water taken and charge the customer, offender or water recipient for the water taken from the District facility, plus any other amount reflective of the District’s costs for such estimate and related activities;
3. Charge the customer, offender, or water recipient for the damage to the District lock, meter or other property;
4. Remove the meter and plug service;
5. Terminate and remove the service from its connection to the water main;
6. Charge a deposit reflective of the District’s cost to reestablish service;
7. Require the return of any District hydrant meter;
8. Prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

3.2 Other Costs. Any violation that causes the District to repair, restore, replace, or relocate a District-owned facility will be billed on a time and material basis plus an overhead and administrative charge of fifteen percent (15%). Nonpayment of such amounts may result in termination of service.

3.3 Civil Action. Under Civil Code sections 1882 and following, the District may bring a civil action against any person who commits any form of water theft or tampering to recover all damages, costs, and expenses incurred by the District as a result of the theft. Under Civil Code section 1882.2, the District may recover as damages three times the amount of its actual damages, plus the cost of the suit and reasonable attorney's fees.

SECTION 4. NOTICE

4.1 Notice of Violation. A "Notice of Violation" shall be sent by certified United States Mail return receipt requested, overnight courier, or delivered in person to the customer, offender or water recipient when evidence reasonably indicates the possible occurrence of theft of water or tampering.

4.2 Order to Cease. If the violation does not constitute an immediate threat to public safety or the integrity of the District's water system, the customer, offender or water recipient shall be ordered to immediately cease the unlawful practice. The District may enforce any failure to promptly comply with such an order by obtaining injunctive relief from the Sacramento County Superior Court, if appropriate to immediately lock off or disconnect the water service connection or meter.

4.3 Delivery of Notice of Violation. A "Notice of Violation" may be delivered to a customer, offender or water recipient after water service is terminated in the following circumstances:

1. In the opinion of the District's General Manager, theft of water is clearly evident on the customer's property or property where the offense occurred and immediate action is necessary to prevent harm to the public water system or the District's ability to safely deliver water;
2. In the opinion of the District's General Manager, there is an immediate threat to public health or safety.

SECTION 5. PAYMENT AND APPEAL PROCEDURES

5.1 Payment.

5.1.1 Invoicing. The District shall calculate the amount of damages and penalty(ies) to be imposed for a violation of this Ordinance, and shall send an itemized invoice to the customer or offender, water user or recipient. The invoice shall be sent as provided in Subsection 4.1 hereof.

5.1.2 Fees and Charges. All costs relating to the District's damages and processing and handling of the water theft, investigation and enforcement thereof and potential charges for reestablishment of water service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender, water user or recipient. These charges include, but are not limited to, investigation and enforcement costs, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug and/or termination fees. Before a meter will be replaced or unlocked and service reestablished, the party requesting service, if in any way responsible for or

involved in, or associated with parties involved in the water theft, shall pay any outstanding invoices to the District, plus any additional costs for reestablishing service, including without limitation the standard meter reinstallation fee and service call charges.

5.2 Hardship Waiver. Any person who wishes to apply for a hardship waiver to reduce the amount of the fine, shall comply with the following procedures:

1. A hardship waiver request shall be submitted to the District General Manager no later than fifteen (15) calendar days from the date of the invoice sent to the customer or offender describing how paying the full amount of the fine would impose an undue financial burden.
2. A response to the hardship waiver request shall be provided by the District General Manager, or their designee, within thirty (30) calendar days from the receipt of the hardship waiver request.
3. The decision by the District General Manager, or his or her designee, shall be final. The customer or offender shall pay any fines as outlined in the District General Manager's or designee's response.

5.3 Appeals Process. Any person who wishes to appeal the imposition of an administrative penalty, invoice for costs and expenses, or a three-year prohibition on a hydrant meter permit under this Ordinance ("appellant") as set forth in a Notice of Violation issued under Section 4, shall comply with the following procedures:

1. The appellant shall submit an appeal request to the District General Manager no later than fifteen (15) calendar days from the date of the invoice sent to the customer or offender.
2. A response to the appeal request shall be provided by the District General Manager, or their designee, within thirty (30) calendar days from the receipt of the appeal request form.
3. If an appeal is denied, the appellant may submit an appeal to the District Board of Directors no later than fifteen (15) calendar days from the date of the staff denial. The appellant may provide evidence in writing or in person in support of his or her appeal.
4. A decision by the Board of Directors on any appeal submitted to it shall be final.
5. Unless otherwise determined by the General Manager, the obligation to pay administrative penalties or an invoice for costs and expenses shall be stayed for the duration of a timely filed appeal. Within ten (10) business days after the denial of an appeal is deemed final, the appellant shall pay all penalties, damages, costs, and expenses imposed by the District. Failure to timely pay such penalties, damages, costs, and expenses as applicable shall result in the District's refusal to reconnect or provide water service to the appellant and/or in the filing of a civil action as authorized by Subsection 3.3 of this Ordinance.