



Date: November 18, 2025

To: Board of Directors

From: Tom Majich, General Manager (GM)

Subject: Water Theft Ordinance of the Kinneloa Irrigation District

Governor Newsom recently signed an ACWA-sponsored bill into law that will strengthen water agencies' ability to protect against water theft. SB 394 (Allen), co-sponsored with Las Virgenes Municipal Water District, will allow local water agencies to adopt an ordinance with enhanced penalties for water theft from a fire hydrant. It will also help agencies recover damages by authorizing utilities to pursue civil remedies against any person who tampers with or diverts water from a fire hydrant without authorization.

District legal counsel drafted a Water Theft Ordinance which is presented to the Board of Directors as Resolution 2025-11-18-2. The General Manager recommends that the Kinneloa Irrigation District Board of Directors adopt this Resolution

RESOLUTION 2025-11-18-2

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE KINNELOA
IRRIGATION DISTRICT ESTABLISHING REGULATIONS AND PENALTIES
RELATING TO WATER THEFT**

RECITALS

WHEREAS, the Kinneloa Irrigation District (“District”) is responsible for providing reliable and safe water service to its customers and for managing and protecting public water system infrastructure; and

WHEREAS, unauthorized diversion or use of water, tampering with meters or hydrants, and other forms of water theft undermine the fairness and financial integrity of the water system, cause revenue loss, damage facilities, and endanger public health and safety; and

WHEREAS, water theft from fire hydrants presents particular safety hazards, including reduced water pressure for firefighting, potential contamination of the water supply, and physical damage to hydrants and pipelines; and

WHEREAS, California Government Code Section 53069.45 authorizes local agencies providing water service to adopt ordinances prohibiting water theft and to impose administrative fines for violations; and

WHEREAS, California Penal Code Section 498 defines water theft and authorizes criminal prosecution for diversion or unauthorized use of water services; and

WHEREAS, Senate Bill 394 (Allen), enacted in 2025, amended Government Code Section 53069.45 to strengthen enforcement and penalties for unauthorized use of fire hydrants and other forms of water theft; and

WHEREAS, the District’s Board of Directors finds that adoption of this ordinance is necessary to deter and penalize unauthorized use of water, protect District assets, and promote equitable and lawful water use,

NOW, THEREFORE, the Board of Directors of the Kinneloa Irrigation District does ordain as follows:

SECTION 1. Title and Purpose

This ordinance shall be known as the “Water Theft Ordinance of the Kinneloa Irrigation District.”

The purpose of this ordinance is to safeguard the District’s water system, protect that water system from potential contamination from unprotected backflow, ensure fair and lawful water service, and establish penalties and enforcement procedures for water theft in accordance with California law.

SECTION 2. Authority

This ordinance is adopted pursuant to: California Government Code § 53069.45; California Penal Code § 498; and the District's enabling act.

SECTION 3. Definitions

For purposes of this ordinance:

- (a) "Customer" means any person, business, or entity receiving, or capable of receiving, water service from the District.
- (b) "General Manager" means the General Manager of the District or his or her designee.
- (c) "Meter tampering" means breaking seals, bypassing, altering, or damaging a water meter or related connection to affect measurement or billing.
- (d) "Unauthorized use of a fire hydrant" means connecting to, drawing water from, or otherwise using a fire hydrant or hydrant meter without written authorization from the District.
- (e) "Water theft" means any act of diverting, tampering with, reconnecting, or making unauthorized use of water service, as defined in Penal Code § 498 and Government Code § 53069.45.

SECTION 4. Prohibited Acts

It shall be unlawful for any person to do any of the following:

- (a) Divert or use water from the District's system without authorization.
- (b) Tamper with, damage, bypass, or alter any District water meter, pipe, valve, or other facility.
- (c) Reconnect or restore water service that has been disconnected by the District without authorization.
- (d) Draw or use water from a District fire hydrant or hydrant meter without written authorization.
- (e) Assist, permit, or cause any of the above acts to occur.

SECTION 5. Administrative Penalties

Pursuant to Government Code § 53069.45, the following administrative fines may be imposed:

Violation Type	First Violation	Second Violation*	Third or Subsequent Violation*
Meter Tampering	Up to \$130	Up to \$700	Up to \$1,300
Other Water Theft	Up to \$1,000	Up to \$2,000	Up to \$3,000
Unauthorized Fire Hydrant Use	Up to \$2,500	Up to \$5,000	Up to \$10,000

*Repeat violations that occur within one year of the first violation.

Each day a violation continues constitutes a separate violation. The General Manager may establish a fine schedule within these limits based on severity, intent, and damages the District incurs.

SECTION 6. Cost Recovery

In addition to administrative fines, violators shall be responsible for:

- (a) The value of water taken or diverted;
- (b) The District's cost to repair or replace damaged meters, valves, hydrants, or facilities; and
- (c) Investigation, enforcement, and administrative costs incurred by the District.

SECTION 7. Service Termination and Restoration

The District may immediately discontinue service to any premises involved in a violation to protect the water system and public health. Service shall not be restored until:

- (a) All violations are corrected;
- (b) All fines, penalties, and costs are paid in full; and
- (c) The General Manager determines that adequate safeguards are in place to prevent recurrence.

SECTION 8. Hardship Waiver

A person subject to a fine may apply in writing for a hardship waiver within 15 days of receiving a notice of violation. The General Manager may reduce or waive a fine upon finding that:

(a) Payment would impose an undue financial hardship, and

(b) The violation was not willful or reckless.

SECTION 9. Appeal Procedure

A person may appeal a notice of violation or fine by filing a written appeal within 15 days of issuance. A hearing shall be held before the General Manager regarding the subject violation and appeal thereof. The General Manager's decision shall be final and conclusive, subject to judicial review under Code of Civil Procedure § 1094.5.

SECTION 10. Additional Remedies

This ordinance supplements, and does not limit, any civil or criminal remedies available to the District under applicable law. Violations may be referred for prosecution under Penal Code § 498 or for civil enforcement to recover damages and penalties.

SECTION 11. Public Reporting

Members of the public are encouraged to report suspected water theft to the District at www.kidwater.info. All reports shall be treated as confidential to the extent permitted by law.

SECTION 12. Severability

If any provision of this ordinance or its application is held invalid, the remaining provisions shall remain in full force and effect.

SECTION 13. Effective Date

This ordinance shall take effect on the thirtieth (30th) day following its adoption by the District's Board of Directors.

PASSED, APPROVED, AND ADOPTED at a Special Meeting of the Board of Directors of the Kinneloa Irrigation District this 18th day of November, 2025.

SIGNED: _____


Chair, Board of Directors

ATTEST: _____


Secretary, Board of Directors