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AB-2505 Water theft: irrigation districts. (2021-2022)

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Assembly Bill No. 2505

CHAPTER 23

An act to amend Section 53069.45 of the Government Code, relating to local government.

[Approved by Governor June 20, 2022. Filed with Secretary of State June 20, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2505, Gray. Water theft: irrigation districts.

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Existing law requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

Existing law, the Irrigation District Law, provides for the formation of irrigation districts with prescribed powers.

This bill would authorize irrigation districts, as defined, to impose fines or penalties for water theft in accordance with both of the above-described provisions, and would provide that the above-specified provisions do not cap or limit the fines that an irrigation district may impose in accordance with the Irrigation District Law.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53069.45 of the Government Code is amended to read:

53069.45. (a) (1) Notwithstanding any other law, the legislative body of a "local agency," as defined in Section 54951, that provides water services, may adopt an ordinance that prohibits water theft and makes a violation of an ordinance enacted by the local agency regarding water theft subject to an administrative fine or penalty, as provided in this section.

(2) The local agency shall adopt an ordinance that sets forth the administrative procedure that shall govern the imposition, enforcement, collection, and administrative review by the local agency of the administrative fines or penalties for water theft.

(3) The local agency shall establish a process for granting a hardship waiver to reduce the amount of the fine imposed for water theft 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.

(b) If the water theft is committed via meter tampering in violation of an ordinance adopted under this section, 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.

(c) All other forms of water theft in violation of an ordinance adopted under this section 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.

(d) For purposes of this section, the following definitions apply:

(1) "Irrigation district" has the same meaning as "district," as that term is defined in Section 20513 of the Water Code.

(2) "Water theft" means an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the Penal Code.

(e) An irrigation district may impose fines or penalties for water theft in accordance with this section or Division 11 (commencing with Section 20500) of the Water Code. This section shall not cap or limit the fines that an irrigation district may impose in accordance with Division 11 (commencing with Section 20500) of the Water Code.