

ORDINANCE NO. 83

AN ORDINANCE OF DESERT WATER AGENCY AUTHORIZING ENFORCEMENT AND PENALTIES FOR THE WASTEFUL USE OF WATER

WHEREAS, Desert Water Agency (hereinafter “Agency”) is a public agency organized under the Desert Water Agency Law, California Water Code Appendix Section 100-1 et seq., to provide water service among other purposes to water users within the boundaries of the Agency; and

WHEREAS, the Agency is authorized by Water Code Appendix Section 100-15 (13) to restrict the use of Agency water during an emergency caused by a drought, or other threatened or existing water shortage, and during such periods to prohibit the waste or the use of Agency water for any purpose other than household uses or such other restricted uses as may be determined by the Agency to be necessary; and

WHEREAS, the Agency is further authorized by Water Code Sections 375-377 to adopt water conservation programs; and

WHEREAS, after the historic 2012-2016 drought, the California Legislature enacted several laws in 2018 to advance long-term water use efficiency as a way to demonstrate conservation as a way of life; and

WHEREAS, the Agency has adopted a Water Shortage Contingency Plan that meets requirements set forth in the regulations adopted by the Department of Water Resources and State Water Resources Control Board in implementation of long-term water-use efficiency, and which will provide a framework for managing supplies in shortage conditions; and

WHEREAS, the Agency finds and determines that enforcement and penalties for wasteful uses of water is critical to long-term water use efficiency; and

WHEREAS, the Agency plans to handle disputes and appeals transparently and consistently;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Desert Water Agency as follows:

Section 1: DEFINITIONS.

- 1.1 “Agency” means Desert Water Agency.
- 1.2 “Board” means the Board of Directors of Desert Water Agency.
- 1.3 “General Manager” means the General Manager of Desert Water Agency.
- 1.4 “Waste” means any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.
- 1.5 “Water user” means any person, firm, partnership, association, corporation or political entity using water obtained from the water system of Desert Water Agency.
- 1.6 “Water” means water supplied by Desert Water Agency.

Section 2: WASTEFUL USES OF WATER

Wasteful use of water is the excessive running or dissipation of water without going to the beneficial use of people, plants, or public health. Examples of wasteful uses of water include, but are not limited to, those in DWA's Water Shortage Contingency Plan or those defined by the State Water Resources Control Board. Wastefully using water is a violation of this Ordinance and may be punished by penalties defined in Section 3 or Section 4.

Section 3: CIVIL PENALTIES AND ENFORCEMENT.

In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil penalties and enforcement action by the Agency staff, as follows:

3.1 Enforcement Methods

Some examples of how violations can be verified include, but are not limited to:

- a) Agency staff observed and confirmed field reports.
- b) Publicly submitted reports that have been investigated and confirmed by Agency staff.
- c) Reports from state agencies or reporting platforms that have been investigated and confirmed by Agency staff
- d) Other routine inspection procedures combined with advanced metering technologies
- e) Site inspections
- f) Other verification methods

3.2 First Violation.

For a first violation, the Agency staff may serve a written complaint to impose penalties to the water user or account holder who is violating the provisions of this Ordinance or violating the water use restrictions imposed by the State Water Resources Control Board. Upon receipt of the complaint for civil penalty, the water user or account holder may request a hearing as set forth in Section 3.9. If no hearing is requested or at the hearing it is determined that the water user or account holder has committed a violation, a civil penalty of \$100 for a first violation may be levied.

3.3 Second Violation.

For a second violation of this Ordinance or water use restrictions imposed by the State Water Resources Control Board within any 12-month period, the Agency staff may serve a written complaint to impose civil penalties on the water user or account holder with written notice thereof, and the water user or account holder shall have the same period of time set forth in Section 3.9 to request a hearing. For a second violation within any 12-month period the civil penalty shall be \$500.

3.4 Third Violation.

For a third violation of this Ordinance and for each subsequent violation within any 12-month period, the water user or account holder shall be subject to civil penalties and shall have the same opportunity to request a hearing in the manner set forth in Section 3.9. For a third and each subsequent violation within any 12-month period, the civil penalty shall be \$1,000.

3.5 Collection of Civil Penalties.

Civil penalties may be billed to the violating water user by separate invoice, or may be added to the water user's water bill as a separately itemized charge as determined by Agency staff. Civil penalties that are not paid may become a lien on the affected property in a manner provided by law to secure payment for water service. In addition, the Agency staff shall be authorized to discontinue water service for any violation of this Ordinance and for failure to pay a civil penalty within the period of time provided by the Agency staff for payment of the water bill. In the event that service is terminated, such service shall remain terminated for a period of at least 48 hours, unless such period is extended by action of the Board of Directors. A charge shall be imposed for reconnection and restoration of service in the amount normally charged by the Agency for restoration of service. Such restoration of service shall not be made until the General Manager has determined that the water user has provided adequate assurances that future violations of this Ordinance by such water user will not occur.

3.6 Service of Complaint.

The complaint for civil penalties may be served personally, by mail or by affixing a copy of the complaint to the front entry of the property. The complaint shall contain, in addition to the facts of the violation, a statement of the possible civil penalties for the violation and a statement informing the water user of his or her right to a hearing.

3.7 Time to Correct or Repair Violation

Water users will have 5 business days after notification by the Agency to correct or repair violations. Another violation after 5 business days have elapsed may be subject to an escalating violation.

At the discretion of the General Manager or his/her designee, more time may be provided for severe leaks. These leaks should still be repaired as soon as practicable.

3.8 Waiving First Violation

Agency staff shall have the authority to waive the first violation if the water user provides proof of repair or proof of rebate participation within 14 days of being notified of the violation.

3.9 Hearing and Appeal.

All customers who wish to dispute a water waste citation may do so in accordance with the Agency's adopted Non-billing Dispute and Appeal Policy.

Section 4: CRIMINAL PROCEEDINGS FOR VIOLATION.

The Board hereby determines that, pursuant to Water Code Section 377, it shall be a misdemeanor for any water user to use or apply water contrary to or in violation of any mandatory restriction or requirement established by this Ordinance and, upon conviction thereof, that water user shall be punished by imprisonment in the County jail for not more than 30 days or by a fine of not more than \$1,000, or by both such fine and imprisonment.

Section 5: CUMULATIVE REMEDIES.

The remedies for violations set forth in this Ordinance shall be cumulative to any other remedies available to the Agency according to law.

Section 6: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 7: PUBLICATION.

The Secretary of the Board of Directors of the Agency shall attest to the adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation which is printed, published and circulated in the Agency within ten days after its adoption.

Section 8: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and shall supersede the provisions of Ordinance No. 77.

ADOPTED this 1st day of September 2026.



Kristin Bloomer, President

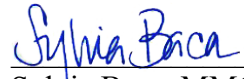
ATTEST:


Paul Ortega, Secretary-Treasurer

I, Sylvia Baca, Assistant Secretary of the Board DO HEREBY CERTIFY that the foregoing Ordinance No. 83 was duly adopted at a regular meeting of the Board of Directors of the Desert Water Agency on September 1, 2026 by the following roll call vote:

AYES: DIRECTORS: BOWMAN, GRASHA, ORTEGA, MCKENNA, BLOOMER
NOES: DIRECTORS: NONE
ABSENT: DIRECTORS: NONE
ABSTAIN: DIRECTORS: NONE

Dated: September 1, 2026



Sylvia Baca, MMC
Assistant Secretary of the Board