

Water Conservation Penalties

Kevin Kluge | Water & Wastewater Commission | April 13, 2022



Agenda

- Goal of conservation penalty ordinance
- Historical enforcement
- Current processes
- Penalty recommendations
- Examples
- Summary



Goal – adopt amended water conservation penalties that:

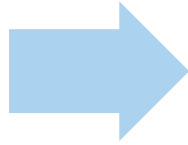
- ♦ Are related to the types of customers
- ♦ Are related to the types of violations
- ♦ Provide a range in which penalties can be adjusted based on the impact of violations and what is necessary to influence behavior



Water Conservation Ordinances, Penalties, and Enforcement

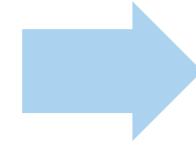
City Code, Chapter 6-4

- Conservation restrictions
- Drought stages



City Code, Chapter 2-13

- Penalty ranges
- Hearing process

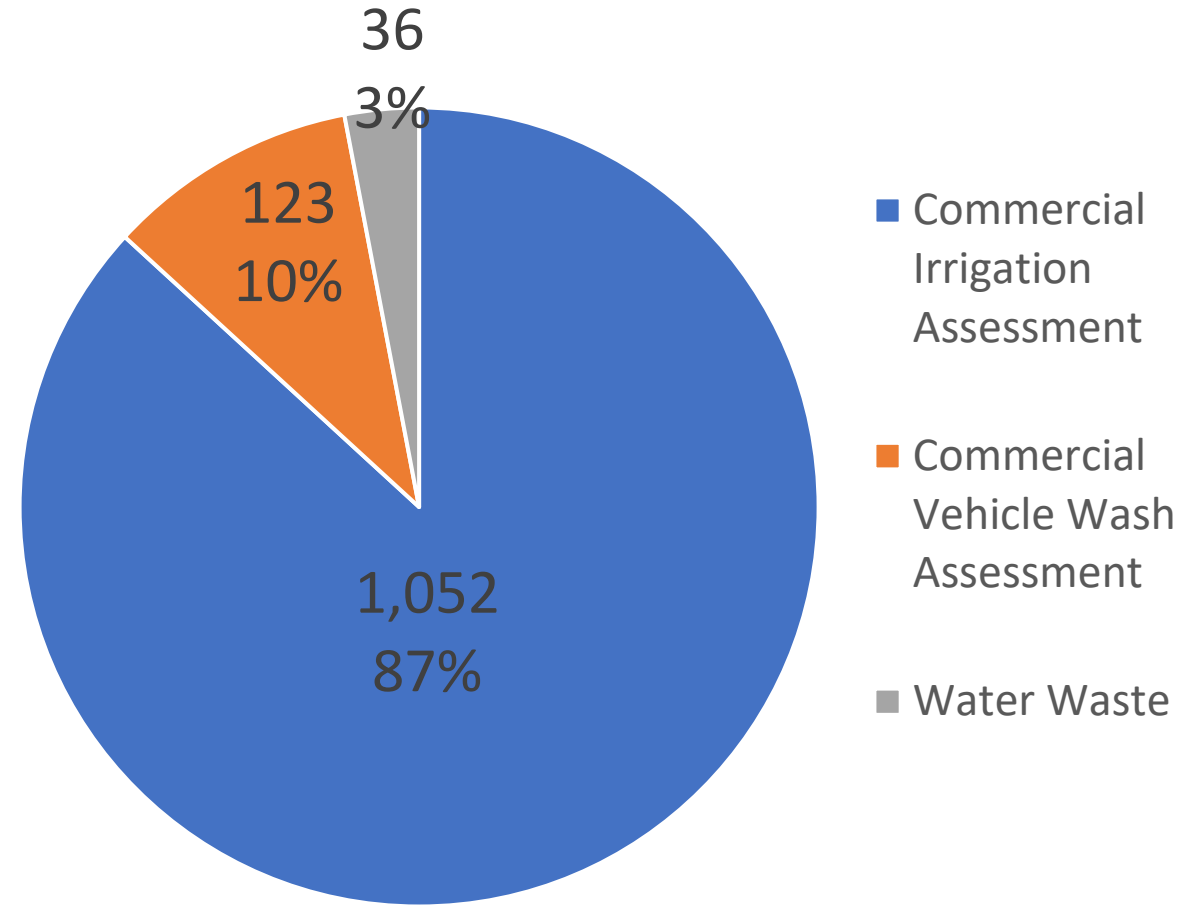


Utility Guidelines

- Enforcement process
- Penalty within ranges

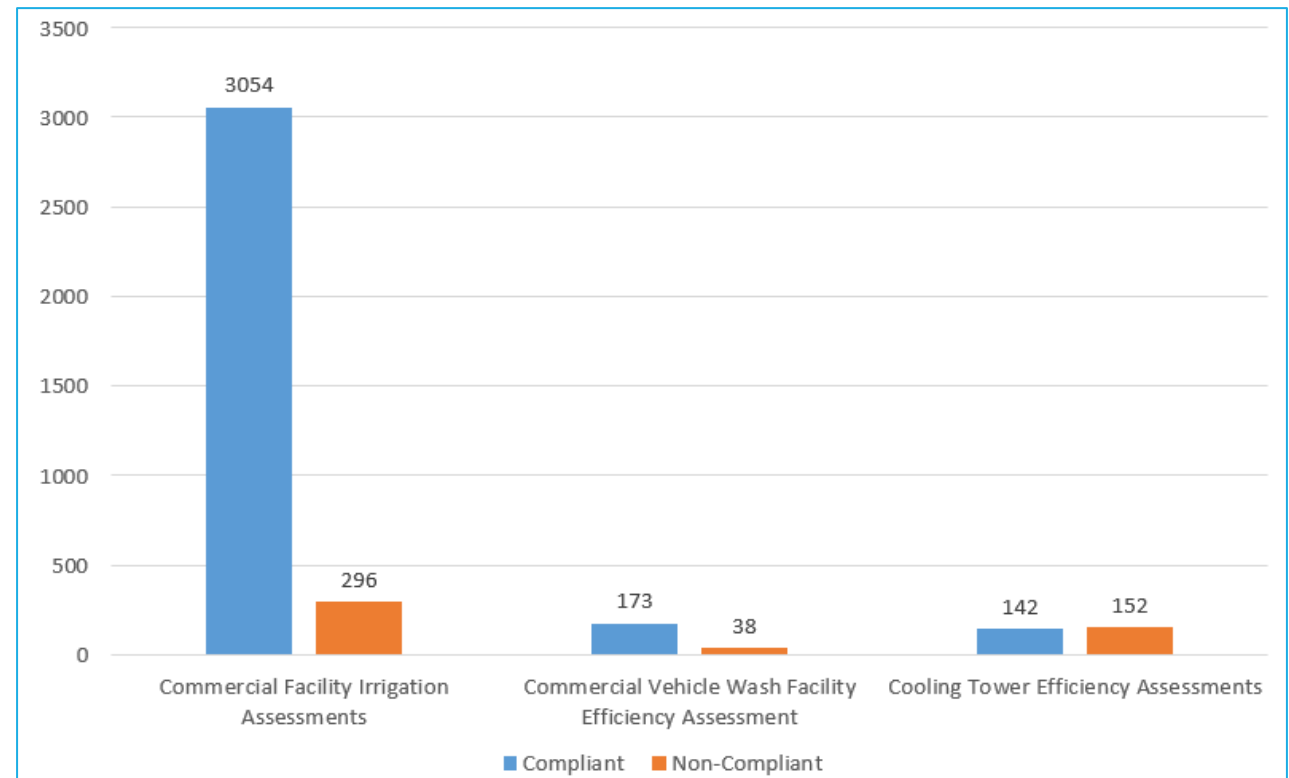
Historical Enforcement

- 💧 **1,211** = Average annual citations (FY18-FY20)
 - **87%** - commercial irrigation
 - **10%** - vehicle washes
 - **3%** - watering/water waste
 - **17** - Average residential NOV's



Enforcement Process – Commercial Facility Compliance

- 💧 Irrigation, vehicle wash, cooling towers
- 💧 Notice 90 or 45 days prior to deadline
- 💧 Due date – give 30-day grace period, then penalty



Enforcement Process – Commercial Leaks

💧 Leak in irrigation system

- Verbal notice - 24 hours
- If no verbal notice - mailed notice and 10 days
- Staff reinspect

💧 Leak in potable water service line

- Multifamily - 30 days to make repairs
- Commercial - 10 days to make repairs
- Staff reinspect



Enforcement Process - Residential Water Waste

- ◆ Staff patrol: May - Oct, 6 zones, changing routes
- ◆ Witness of violation required
- ◆ 1st violation - warning, no penalty
- ◆ Customer given 10 days to comply (make repairs, turn off system, etc.)
- ◆ Do not revisit past violations



Violation Process - Due Process

1. Customer given warning Notice of Violation
2. Customer issued Notice of Citation with penalty
3. Customer given 20 days to admit liability or request supervisor review
 - a. If admitting liability - fine assessed
 - b. If no response - hearing scheduled
4. If supervisor review upheld, customer given 10 days to admit liability or a hearing is scheduled
5. Hearing (3rd Party)
 - a. Not liable - dismissed
 - b. Liable - penalty + fees assessed
6. Municipal Court



Recommended Penalty Ranges

- Amounts within the penalty ranges will be based upon:
 - Impact of violation
 - Influencing behavior
 - Flexibility and simplicity
- Metrics of penalty ranges:
 - Frequency (after 2 violations)
 - Volume of use
 - System size
- Same whether admitting liability or a hearing



Examples of Penalty Ranges

♦ Frequency of violation

- 3rd violation - midpoint
- 4th violation - maximum

♦ Volume of use (residential, avg monthly, June-Sept)

- < 50,000 gallons - minimum
- >= 50,000 gallons - midpoint
- > 75,000 gallons - maximum

♦ System size

- Commercial irrigation
 - <= 25 zones - minimum
 - > 25 zones - mid-point
- Cooling towers
 - < 100-ton tower - minimum
 - <= 100-ton tower - mid-point



Example of penalty ranges – frequency of violation

- 💧 1st violation - minimum
- 💧 2nd violation – minimum
- 💧 3rd violation - *midpoint*
- 💧 4th violation - *maximum*

- 💧 Example: Cooling tower assessment due
 - 30-day grace period
 - 1st violation - \$500
 - 2nd violation - \$750
 - 3rd violation - \$875
 - 4th violation - \$1,000

Example of penalty ranges – volume of use

- ♦ Average monthly water use of previous summer (June – Sept)
 - < 50,000 gallons – minimum
 - \geq 50,000 – 75,000 gallons – midpoint
 - > 75,000 gallons - maximum
- ♦ Example: residential customer watering on wrong day (after warning)
 - Avg summer monthly use of 15,000 gallons - \$25
 - Avg summer monthly use of 60,000 gallons - \$62.50
 - Avg summer monthly use of 80,000 gallons - \$100



Example of penalty ranges – system size

- Commercial facility irrigation

- ≤ 25 zones - minimum
- > 25 zones - mid-point

- Example: non-compliant commercial irrigation customer (first violation) with

- 15 irrigation zones - \$500
- 30 irrigation zones - \$750



Summary

- Restrictions and penalties in Code
- Enforcement in utility guidelines
- Majority of penalties/citations for commercial
- Utility guidelines will provide warnings and due process
- Penalty amount determined by the impact of violation and influencing behavior



An aerial photograph of a wastewater treatment plant. In the foreground, there are several large, rectangular concrete basins filled with water, connected by walkways and railings. Beyond the basins is a large green field. In the far background, a dense urban skyline with various skyscrapers is visible under a cloudy sky.

Questions?

Thank You

