



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2016-15

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT
ADOPTING THE FIRE HYDRANT POLICY
PENALTY AND FINE STRUCTURE TO ENFORCE ORDINANCE NO. 7**

WHEREAS, on June 1, 2016 the TODB Board of Directors ("Board") reviewed a proposed Fire Hydrant Policy ("Policy") to protect the public water supply from contamination and theft in regards to the 560+/- fire hydrants located within TODB; and

WHEREAS, the Policy is in accordance with Ordinance No. 7 dated January 17, 2001, which allows hydrants to be used for other purposes and TODB staff maintain and closely monitors their use; and

WHEREAS, Ordinance No. 7 and the Policy provide the rules, restrictions and regulations for obtaining a permit before utilizing TODB fire hydrants and authorizes the Board to set fines for violations of Ordinance No. 7 or the Policy; and

WHEREAS, Government Code section 53069.4(a)(1) allows a public agency to make a violation of an ordinance subject to an administrative fine or penalty; and

WHEREAS, Government Code section 25132 provides limitations on fines for first, second, and third violations of ordinances of public agencies and the tiered limits differ for violations of local building and safety codes as opposed to all other infractions; and

WHEREAS, hydrant use is a water quality, water consumption and fire safety issue, and violations of the TODB hydrant use Ordinance No. 7 or the Policy should be considered a safety code violation;

WHEREAS, the TODB desires to set penalties and fees for violation of hydrant use under Ordinance No. 7, subsection 8.02 in the amounts acceptable for safety code violations.

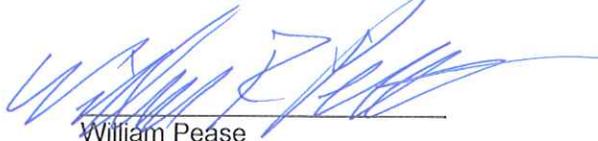
NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The penalties and fines listed below will apply for all violations of the hydrant use provisions in Ordinance No. 7 subsection 8.02 and the Policy:

- A) a fine not exceeding one hundred dollars (\$100) for the first violation;
- B) a fine not exceeding five hundred dollars (\$500) for the second violation of the same subsection of the ordinance within one year; and
- C) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of the same subsection of the ordinance within one year of the first violation.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

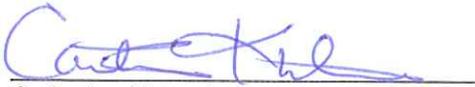
PASSED, APPROVED AND ADOPTED THIS 7th DAY OF SEPTEMBER, 2016.



William Pease
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on September 7, 2016, by the following vote of the Board:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0



Catherine Kutsuris
Interim Board Secretary