

Ordinance

City of Portland, Tennessee

No. 12-08

Second Reading

AN ORDINANCE TO AMEND SECTION 18-110 IN THE MUNICIPAL CODE FOR THE CITY OF PORTLAND'S UTILITY OFFICE TO IMPLEMENT A POLICY FOR THEFT OF SERVICE AND TAMPERING

WHEREAS, the City of Portland Utility Office deems it necessary to implement a policy for theft of service and tampering as stated below; and

POLICY STATEMENT

1 ... Tampering with utility equipment or stealing service will be grounds for discontinuance of utility service. Theft of service shall include, but not be limited to the following:

- a) Opening valves at the curb or meter that have been turned off by utility personnel;
- b) Breaking, picking or damaging cut-off locks;
- c) By-passing meters in any way;
- d) Taking unmetered water from hydrants by anyone other than an authorized official of a recognized fire department; fire insurance company or utility for any purpose other than fire fighting, testing or flushing of hydrants;
- e) Use of sprinkler system water service for any purpose other than fire protection;
- f) Removing, disabling or adjusting meter registers, or transmitters;
- g) Connecting to or intentionally damaging water lines, valves or other appurtenances for the purpose of stealing or damaging utility equipment;
- h) Moving the meter or extending service without permission of the utility
- i) Any other intentional act of defacement, destruction or vandalism to utility property or act that affects utility property;
- j) Any intentional blockage or obstruction of utility equipment.

2 ... A "notice of violation" may be mailed or otherwise delivered at the discretion of the public works director if:

- a) Evidence suggests the possibility of theft of utility service at the customer's premises;
- b) The violation does not constitute an immediate threat of safety or equipment integrity to the system.

The customer will be ordered to immediately cease any unlawful practice.

3... No "notice of violation" will be mailed or delivered and customer service is subject to immediate cut-off in any of the following situations:

- a) In the opinion of the public works director, theft of service is definitely evident on the customer's premises;
- b) When in the opinion of the public works director a situation exists that may endanger public health;

4 ... In addition, the customer will be subject to a \$200.00 violation payment as well as service call charges, labor and replacement parts as detailed by the utility.

5 ... If the utility determines theft of service has occurred, it reserves the right to adjust the customer's current bill and the bills for the past twelve (12) months usage. If the approximate amount of service that was stolen cannot be reasonably determined, the customer's usage will be set at two to four times the minimum bill, as set on a case by case basis by the governing board of the utility according to the facts of each case.

6 ... Service will not be restored until all payments for the following are received by the utility:

- a) Adjusted payment for utility service;
- b) Violation payment (see section 4 above);
- c) All service call charges;
- d) Labor;
- e) Replacement parts;
- f) Reinstatement of service charge.

7 ... Service will be reinstated only during regular working hours, Monday thru Friday, except in the case of an emergency.

8 ... Discontinuance of service by the utility shall not release the customer from liability for payment for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

9 ... The utility shall not be liable for any loss or damage resulting from the discontinuance of service.

10 ... The customer(s) whose name(s) appear(s) on the application/contract for service is (are) the customer(s) responsible for payment of all charges. That customer is also responsible for any rules or policy violations that occur regarding the utility service to that property. Personal participation by the customer in any such violation shall not be necessary to impose personal responsibility on the customer.

11 ... In the event any customer fails to pay any utility fee or charge, the customer shall pay all costs of collection including court costs and reasonable attorney's fees incurred by the utility in collecting such sums.

12 ... The utility shall have the right to refuse to render service to an applicant or to any member of an applicant's household who is living at the same address whenever such person(s) is (are) delinquent on any payment to the utility or had his or her service discontinued because of a violation of the regulations or policies of the utility.

13... In the event that the customer fails to pay said fees and charges as listed above. The utility may prosecute the customer to the fullest extent of the law.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland, Tennessee approve the amendment of the City of Portland's Municipal Code Section 18-110 policy for theft of service and tampering; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Kenneth Wilber, Mayor

Patricia Keen, Asst. City Recorder

First Reading: February 21, 2012

Second Reading: March 5, 2012