

Sponsor: Councilman DeFeo
First Reading: 11/15/10
Second Reading: 12/6/10
Third Reading: 12/20/10
Ord. No.: 017-10

AN ORDINANCE TO AMEND CHAPTER 70 ("UTILITIES"), ARTICLE III ("ELECTRIC DEPARTMENT RULES AND REGULATIONS") TO PROVIDE PENALTIES FOR TAMPERING WITH ELECTRIC METER EQUIPMENT

WHEREAS, the Town Council of the Town of Smyrna has authority in Section 23 of the Town Charter "to enact ordinances, rules, regulations and tariffs regarding the connections and use of electric capacity and energy furnished by the Town";

WHEREAS, the Town Council of the Town of Smyrna finds that in order to deter customers from tampering with town electric meter equipment it is necessary to enhance its current regulations governing, and providing penalties for, tampering with electric meter equipment; and

WHEREAS, pursuant to Section 4.2.31 of the Town Charter the Town Council "[m]ay provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment or both, not exceeding \$1,000.00".

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 70, Article III, Section 70-166 by deleting subsection (b) in its entirety and inserting the following in its place thereof:

(b) *Liability for tampering.* Any individual convicted of tampering with town equipment, including the town's meter, as prohibited in subsection (a), shall be guilty of a criminal violation and shall be assessed the following:

(1) \$500 tampering penalty;

- (2) fee for meter accuracy test (as outlined in fee schedule);
- (3) estimated amount due for electric usage that did not register on the meter; and
- (4) cost to repair or replace meter or other equipment if meter or other equipment has been damaged or destroyed (as outlined in fee schedule).

Any individual convicted a second time of tampering with town equipment shall be assessed as outlined above in subsections (1)-(4), with the exception that the tampering penalty outlined in subsection (1) shall be \$750. Any individual convicted a third time of tampering with town equipment shall be assessed as outlined above in subsections (1)-(4), with the exception that the tampering penalty outlined in subsection (1) shall be \$1000. Additionally, electric services may be terminated for two (2) months when an individual is convicted a third time of tampering with town equipment. The town shall estimate the amount due for electric usage that did not register on the meter as the difference between (i) the usage that registered on the meter for the month(s) it is reasonably believed the meter inaccurately registered usage and (ii) the usage registered for that property for the same month(s) in the previous year. If data for the previous year's readings for the month(s) in question is not available or for some other reason is unreliable, usage shall be estimated based on the average usage in Town for similar properties for the actual month(s) it is reasonably believed the meter inaccurately registered usage.

SYNOPSIS

This Ordinance to amend Chapter 70 ("Utilities"), Article III ("Electric Department Rules and Regulations") to Provide Penalties for Tampering with Electric Meter Equipment provides that anyone convicted of tampering with town equipment shall be assessed a \$500 penalty, a fee for the meter accuracy test to be conducted, the amount due for electric usage that did not register on the meter, and the cost to repair or replace the meter or other equipment that was damaged or destroyed. The assessments are the same for each subsequent conviction of tampering with town equipment, with the exception that the penalty for the second conviction is \$750 and the penalty for the third conviction is \$1000. An individual convicted three times of tampering with town equipment may also have electric services terminated for a two-month period of time. The

Ordinance outlines the procedures the Town will use to calculate the amount due for electric usage that did not register on the meter.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2010.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on _____, 2010 and posted at the Town Hall on _____, 2010.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna Times" on _____, 2010 and posted at the Town Hall on _____, 2010.

So Certifies:

Town Manager