

ORDINANCE NO. 236

AN ORDINANCE OF THE CITY OF TIOGA, TEXAS, REPEALING ORDINANCE NUMBER 115; PROHIBITING TAMPERING WITH, REMOVING LOCK FROM, ALTERING, BY-PASSING OR DEFACING ANY WATER OR OTHER UTILITY METERS, PROVIDING FOR A PENALTY NOT EXCEEDING \$500.00 FOR VIOLATION AND DECLARING AN EMERGENCY.

WHEREAS the City of Tioga delivers water and other utilities to residents and non-residents of the City of Tioga; and

WHEREAS the charges for utilities by the City of Tioga are based on reading water meters at the point of consumption; and

WHEREAS some users of City utilities have altered or by-passed the meters for the purpose of avoiding any charges for such city utilities; and

WHEREAS some users of City utilities have removed locks placed on the meter stopcocks after service has been disconnected for non-payment; and

WHEREAS the failure to pay utility services causes a financial loss and hardship on the entire City of Tioga utility department; and

WHEREAS tampering with a water meter may lead to contamination of the public water system, thereby endangering the health and safety of the citizens of Tioga; and

WHEREAS it is in the public interest and welfare to regulate the tampering with, removing locks from, altering, by-passing or defacing of water meters and other utility meters inside the corporate limits of the City of Tioga, Texas.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA:

SECTION 1. Except as otherwise provided herein no person shall tamper with, remove a lock from, alter, by-pass, or deface any water meter or other utility meter, including electric meters, owned by or supplied by the City of Tioga or any other utility within the corporate limits of the City of Tioga.

SECTION 2. Tampering with or altering a meter or meter box shall be any attempt to or actual change in the reading of dials, figures, or any device that indicates the amount of the utility use and shall include breaking any seal on a meter, resetting any dials or digits within a meter or preventing or stopping a meter from registering use of utility. Tampering with a meter shall also be any attempt or actual breaking and/or removing of a lock placed on the stopcock in the meter box.

SECTION 3. By-passing a meter or meter box shall be any attempt to or actual change in the method of delivery of the utility in any attempt to avoid the measurement of the amount of utility used or consumed.

SECTION 4. Defacing a meter shall include breaking, damaging, hiding, covering, concealing or removing a meter with the intent to avoid or conceal the measurement of the utility used or consumed.

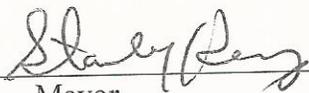
SECTION 5. The City of Tioga or other utility may charge a minimum charge equal to the lesser of the average utility bill for the previous six (6) months or the total bill for the last two (2) months for which a reading was available for any meter that has been tampered with, altered, by-passed or defaced.

SECTION 6. This ordinance shall not apply to any necessary adjustment, repair or alteration of a meter by an employee or agent of the utility in the course and scope of his employment.

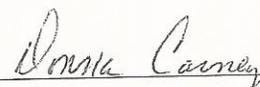
SECTION 7. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00.

SECTION 8. WHEREAS, an emergency is apparent for the immediate preservation of order, good government and public safety that requires this ordinance to become effective at once; therefore, upon passage of this ordinance, it shall be effective from and after the date of its passage and publication according to law.

PASSED AND APPROVED THIS 11<sup>TH</sup> DAY OF APRIL, 2005 .

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_