

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES BY ADDING A NEW SECTION 102-10, ESTABLISHING PROVISIONS REGARDING TAMPERING WITH UTILITY METERS AND ASSESSING A FEE; PROVIDING FOR PROCEDURAL REQUIREMENTS; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, tampering with utility meters can create a hazardous condition to both individuals and the related equipment; and

**WHEREAS**, responding to tampering incidents ties up valuable city resources, including multiple personnel; and

**WHEREAS**, the electronic utility meters now in place are more sensitive to tampering and expensive to repair.

**NOW THEREFORE BE IT ORDAINED** by the City Council of Seguin, Texas:

**SECTION ONE.** Article 1, In General, of Chapter 102, Utilities, of the Seguin Code of Ordinances is amended by adding the following new section:

**Section 102-10. Tampering with Utility Meter**

**(a) Tampering Fee.** A fee, as set forth in Appendix C to the Seguin Code of Ordinances, will be assessed for tampering with a meter or related equipment. Tampering includes, but is not limited to, removal of a meter seal or damage to equipment associated with metering. Payment, in addition to the tampering fee, for damaged or missing equipment and diverted power or water may also apply. The fee may be assessed to the person or persons that the City of Seguin determines responsible for the tampering including the customer of record or, in the case of residential structures, other persons leasing the residence. All tampering fees and related costs must be paid in full before service will be resumed. In cases where the customer(s) of record has moved, assessed tampering fees and related costs must be paid prior to receiving utility service at any address in the Seguin utility system.

**(b) Damages to equipment.** In addition to the tampering fees, the City of Seguin may charge either the customer of record, or the owner of the property, for all damage to the meter and related equipment. Property owners or customers shall also be responsible for any meter damage caused by contractors working on their behalf.

**(c) Lost revenues.** The City of Seguin may charge the customer of record for estimated revenues lost as a result of the tampering. The method of calculating the estimated lost revenue will be at the sole discretion of the City.

**(d) Non-exclusive remedies.** The remedies established in this section are not exclusive. The City of Seguin may initiate prosecution for violation of City Ordinances or Texas law. The City of Seguin may also invoke other rights and remedies allowed by applicable law with respect to tampering.

**(e). Actual knowledge not required.** The customer of record, or other persons living on the premises, are ultimately responsible for tampering, whether or not he or she tampered with the meter or related equipment or otherwise had actual knowledge of the tampering.

**SECTION TWO.** Appendix C – Fee Schedule, Chapter 102, Article I, Utilities, In General, of the Seguin Code of Ordinances the City of Seguin, Texas is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

<u>(c) Tampering</u>	<u>102-10</u>
<u>(1) First Tampering Incident</u>	<u>\$150.00</u>
<u>(2) Any fee assessed will be adjusted on first utility bill Issued after assessment of the fee to reflect actual cost to the city.</u>	

**SECTION THREE.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION FOUR.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION FIVE.** City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

**SECTION SIX.** This ordinance shall be effective upon ten (10) days following passage on second reading.

**PASSED AND APPROVED** on first reading on the 5<sup>th</sup> day of August, 2014.

**PASSED AND APPROVED** on second reading on the 19<sup>th</sup> day of August, 2014.

  
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DON KEIL  
Mayor

ATTEST:

  
Thalia Stautzenberger  
City Secretary