

ORDINANCE NUMBER 2013 – 11

AN ORDINANCE PROHIBITING TAMPERING OR OBSTRUCTING WATER OR WASTEWATER FACILITIES; ESTABLISHING PENALTIES AND FEES FOR TAMPERING OR OBSTRUCTING WATER OR WASTEWATER FACILITIES; AND FOR OTHER PURPOSES

WHEREAS, the City of Bryant owns and maintains water and wastewater utility infrastructure and desires to protect its infrastructure; and

WHEREAS, in order to effectively operate and maintain its utility infrastructure, efficiently provide and meter service, the City must have access to its infrastructure; and

WHEREAS, persons who block access to infrastructure or damage infrastructure create burdens to the efficient and effective operation and utilization of utility infrastructure; and

WHEREAS, The City Council of the City of Bryant finds it in the best interest of the City of Bryant to create an Ordinance prohibiting the blocking of access to utility infrastructure and prohibit damaging utility infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

SECTION 1: Tampering or Obstructing Water or Wastewater Facilities:

It shall be unlawful for any person to open or tamper with, including the obstruction of, a water meter, water meter box, lid, valve, valve box, water storage structure, fire hydrant, pipe, wastewater pump station, manhole, fence, building, or any property of the City used in connection with the City's water and wastewater system. The City of Bryant shall have the right to discontinue service to the property on which the tampering occurred and/or remove the obstruction, including, but not limited to, the towing of vehicles blocking access to the City's water meters or other facilities, without liability therefore, in order to protect the health and safety of its customers, prevent or stop the theft of service, and to access, repair, or maintain its infrastructure.

In addition, incidents of tampering with or obstruction of City utility facilities shall be reported to the City of Bryant Police Department or other appropriate law enforcement agency for investigation and may be prosecuted either civilly or criminally.

The following penalties shall apply for violations proved under this Ordinance:

Penalty and Fee Schedule

Penalty for Meter Tampering	
<i>1st Infraction</i>	\$100.00 penalty plus cost of damages
<i>2nd Infraction</i>	\$500.00 penalty plus cost of damages
<i>3rd Infraction</i>	\$1,000.00 penalty plus cost of damages
Penalty for Theft of Service/Bypassing Meter	\$250.00 penalty plus cost of stolen services
Penalty for Broken/Missing Lock	\$100.00 penalty

Penalty for Installing a Stolen Water Meter	\$100.00 penalty
Penalty for Obscured Meter	
<i>1st Infraction</i>	\$60.00 penalty
<i>2nd Infraction</i>	\$100.00 penalty
<i>3rd Infraction</i>	\$200.00 penalty
Penalty for Damaging Water Meter Boxes	\$200.00 penalty
Penalty for Turning Water On Without Authorization	\$100.00 penalty
Penalty for Cross Connection	\$500.00 penalty
Penalty for Tampering with All Other Facilities	\$500.00 penalty plus cost of repairs

SECTION 2: Definitions:

- Tampering shall be defined as any conduct that constitutes trespass, damage to or destruction of public property, altering equipment, theft of services, or theft of property.
- Cross-Connection shall be defined as a connection between a source of contamination and the potable water supply.
- Bypassing a meter shall be defined as an alternate connection used to transport water around the meter for the purposes of using un-metered water.
- Obscuring a meter shall be defined as blocking access to or making unavailable access to the water meter and it's peripherals.


SECTION 3: General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

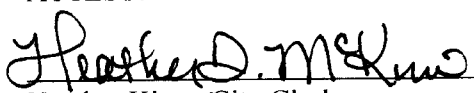
SECTION 4: Severability

Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

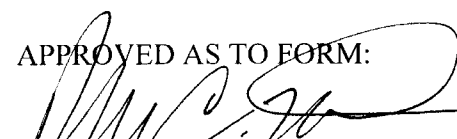
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, on this the 29th day of August, 2013


Jill Dabbs, Mayor

ATTEST:


Heather Kizer, City Clerk
McKen

APPROVED AS TO FORM:


Richard C. Madison, Staff Attorney