

1 STATE OF GEORGIA

2

3 CITY OF COLLEGE PARK

4

5 **ORDINANCE 2016-10**

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7 AN ORDINANCE AMENDING SECTION 10-26 OF ARTICLE II, ELECTRICITY, OF
8 CHAPTER 10, MUNICIPAL UTILITIES AND SERVICES, OF THE CODE OF
9 ORDINANCES OF COLLEGE PARK, TO PROVIDE PENALTIES AND FEES FOR
10 TAMPERING WITH, THEFT OF AND/OR DAMAGE TO CITY ELECTRICAL
11 EQUIPMENT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
12 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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14 **WHEREAS**, the duly elected governing authority of the City of College Park (“City”) is
15 the Mayor and Council thereof; and

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WHEREAS, the City finds that to deter customers from tampering with municipally-
17 owned electrical metering devices, it is necessary to amend the current regulations governing,
18 and providing penalties for, the tampering or interfering with such equipment; and

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WHEREAS, the health, safety, and welfare of the citizens of College Park, Georgia, will
20 be positively impacted by the adoption of this Ordinance.

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BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF
22 **THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

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24 **Section 1:** The Code of Ordinances, City of College Park, Georgia, is hereby amended
25 by striking the existing text of Section 10-26, Tampering, interfering with meters, apparatus;
26 unlawful use, diversion of service, of Article II, Electricity, of Chapter 10, Municipal Utilities
27 and Services, and, in lieu thereof, inserting the following:

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“Sec. 10-26. - Tampering with Electrical Metering Devices.

30 (a) For purposes of this section, “Electrical Metering Device” includes but is not limited
31 to electric meters, meter bases, meter base covers, meter locks, meter seals, and
32 switch gears.

33 (b) “Tampering” with Electrical Metering Devices provided by the city includes but is
34 not limited to the following situations and is therefore prohibited:

35 (1) Obtaining or the restoration of electrical service by any means after such service
36 has been terminated for nonpayment.

37 (2) Obtaining electrical service without making the proper deposit with the city, or
38 without receiving proper authorization from the city to receive such services.

39 (3) Obtaining electrical service by any means which bypasses the Electrical
40 Metering Device, either partially or completely.

41 (4) Obtaining electrical service by use of an Electrical Metering Device which is not
42 authorized and installed by the city.

43 (5) Obtaining, or attempting to obtain, electrical service by using a false name or
44 identification.

45 (6) Obtaining, or attempting to obtain, electrical service by placing the account in
46 another person's name, after the service has been disconnected for nonpayment
47 or theft of service, while the person in default or violation continues to reside at
48 the location of the service.

49 (7) Cutting, removing, or in any manner making ineffective, any seal, locking band
50 or lock on an Electrical Metering Device.

51 (8) Damaging or tampering in any manner with any part of an Electrical Metering
52 Device belonging to the city.

53 (9) Changing or altering the normal installed position of an Electrical Metering
54 Device in any fashion which causes the normal accurate recording of electrical
55 service received to be altered and/or inaccurate.

56 (10) Interfering with the automatic registration, recording and transmission of
57 electrical consumption when readings are recorded and/or transmitted
58 electronically.

59 (c) Any evidence of the violation of any provision of this section shall result in
60 immediate disconnection of electrical service and a Tampering Fee of One Thousand
61 Dollars (\$1,000.00) per incident.

62 (d) A violation of any provision of this section shall be a separate and distinct offense, in
63 addition to any other violation that may be established.

64 (e) Any person found in violation of any provision in this section shall, upon conviction
65 thereof, be punished by a fine or imprisonment, as prescribed in section 1-8 of this
66 Code. Any person found in violation of any provision in this section shall be

67 required to make full restitution to the city for the cost of the electrical services
68 illegally obtained, for damage to equipment of the city, if applicable, and for all costs
69 associated with the investigation of the violation. In calculating the amount of
70 restitution to be paid, the court will be asked to consider the following evidence:

- 71 (1) The cost of the electrical service received at the prevailing rate.
- 72 (2) The current cost to repair or replace the damaged equipment, if applicable.
- 73 (3) The hourly rate of the code enforcement officer and time spent investigating the
74 violation, together with any other costs associated with the investigation.
- 75 (f) Disconnected electrical service shall not be restored until all applicable fees,
76 restitution, and/or fines are paid in full. If electrical service is disconnected due to
77 tampering with meter bases or wires connecting meter bases to the premises,
78 electrical service shall not be restored until such meter base and/or such wiring is
79 repaired by the owner of the premises.
- 80 (g) This section shall be cumulative to the Official Code of Georgia Annotated § 16-7-
81 25, and is enacted pursuant to Official Code of Georgia Annotated § 16-7-25(c).”

82 **Section 2.** The Code of Ordinances, City of College Park, Georgia, is hereby amended
83 by striking the existing text of Section 10-29, Reserved, of Article II, Electricity, of Chapter 10,
84 Municipal Utilities and Services, and, in lieu thereof, inserting the following:

85 “Sec. 10-29. – Liability for tampering.

- 86 (a) Any person in possession of any premises as owner is strictly liable for any violations of
87 Sec. 10-26 on the premises.
- 88 (b) Any person in possession of any premises as owner, occupant, or tenant where a violation
89 of Sec. 10-26 has occurred shall be presumed to have knowledge of such violation and is
90 individually liable for such violation. Further, the owner, occupant and tenant of the
91 premises are jointly liable for such violation.
- 92 (c) The receipt of electrical services in violation of any provision of Sec. 10-26 shall be
93 deemed prima facie evidence of intent to defraud or deprive the city from recovering
94 proper payment for such service.”

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96 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
97 incorporated by reference as if fully set out herein.

98 **Section 4.** This Ordinance shall be codified in a manner consistent with the laws of the
99 State of Georgia and the City.

100 Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all
101 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
102 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

103 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
104 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
105 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
106 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
107 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
108 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
109 of this Ordinance.

110 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
111 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
112 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
113 express intent of the Mayor and Council that such invalidity, unconstitutionality or
114 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
115 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
116 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
117 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
118 enforceable, and of full force and effect.

119 Section 6. All ordinances and parts of ordinances in conflict herewith are hereby
120 expressly repealed.

121 Section 7. The effective date of this Ordinance shall be the date of adoption unless
122 otherwise stated herein.

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ORDAINED this 4th day of April, 2016.

[SIGNATURES CONTINUED ON NEXT PAGE]

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CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

ATTEST:



Melissa Brooks, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney