

ORDINANCE NO. 1053

**AN ORDINANCE ADOPTING SEC. 20-30 A
OF THE FORT MORGAN MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN,
COLORADO:**

**SEC. 20-30 A, INTERFERING OR TAMPERING WITH A UTILITY METER, *Fort Morgan Municipal Code* (1994), IS HEREBY ADOPTED TO READ IN ITS ENTIRETY
AS FOLLOWS:**

Sec. 20-30 A. Interfering or Tampering with a Utility Meter.

A. Definitions.

- (1) "Bypassing" means the act of attaching, connecting, or in any manner affixing any wire, cord, socket, motor, pipe, or other instrument, device or contrivance to the utility supply system or any part thereof in such a manner as to transmit, supply, or use any utility service without passing through an authorized meter or other device provided for measuring, registering, determining, or limiting the amount of electricity, gas, or water consumed.
- (2) "Customer" means the person responsible for payment for utility service for the premises, and such term includes employees and agents of the customer.
- (3) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or other legal entity.
- (4) "Tampering" means the act of damaging, altering, adjusting, or in any manner interfering with or obstructing the action or operation of any meter or other device provided for measuring, registering, determining, or limiting the amount of electricity, gas, or water consumed.
- (5) "Unauthorized metering" means the act of removing, moving, installing, connecting, reconnecting, or disconnecting a meter or metering device for utility service by a person other than an authorized contractor, employee, or agent of such utility.

B. Violations.

- (1) It shall be unlawful for any person to interfere, tamper, or bypass any meter provided for measuring or registering the quantity of gas, water, or electricity

passing through said meter without the knowledge and consent of the utility supplying such gas, water or electricity.

- (2) If any evidence of interference, tampering, or bypassing with any meter or startup of service is found, the utility may terminate service immediately. All costs for gas, water or electricity received, and expenses related to terminating services pursuant to this section, including costs of labor and materials and specified fees, shall be paid by the person responsible for such interference, tampering, or bypass.

C. Presumption.

- (1) There is rebuttable presumption that the customer or occupant of any premises where interference, tampering, or bypass is proven to exist caused or permitted such interference, tampering, bypass if the tenant or occupant has access to the part of the utility supply system on the premises where the interference, tampering, or bypass is proven to exist and if said customer or occupant was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services, provided for the premises.
- (2) The presumption provided in this section shall only shift the burden of going forth with evidence and shall in no event shift the burden of proof to the defendant in any action brought pursuant to this section.

D. Penalties.

- (1) Any person, whether as principal, agent, employee or otherwise, violating the provisions of this Chapter shall, upon conviction thereof, be punished by fine of not more than one-thousand dollars (\$1,000.00) or imprisonment in jail for a term not exceeding one (1) year, or by both such fine and imprisonment. In addition to any penalties imposed by the Court upon conviction for violation of this Ordinance, the Court shall order restitution for the stolen service and the costs to repair or replace the utilities connection.
- (2) Each day of any violation shall be deemed a separate offense.
- (3) The remedy provided herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law, including, without limitation, that of injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any condition or facilities or equipment constituting the violation.

EFFECTIVE DATE.

This Ordinance shall be in full force and effect five (5) days after publication.

READ AND PASSED ON FIRST READING AND ORDERED PUBLISHED IN FULL on the 4th day of September, 2007.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: */s/Jack Darnell*
Mayor

ATTEST:

/s/Andrea J. Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED by title only on the 18th day of September, 2007.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: */s/ Jack Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1053** was, as a proposed ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 4th day of September, 2007. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 7th day of September, 2007, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the

City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 18th day of September, 2007. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea J. Strand
City Clerk