

TOWN OF MORGANTOWN, INDIANA

ORDINANCE NO. 2022-08

**AN ORDINANCE PROHIBITING UNLAWFUL UTILITY SERVICE AND
TAMPERING WITH TOWN UTILITY SYSTEMS AND IMPOSING PENALTIES**

WHEREAS, the Town of Morgantown, Indiana (the "Town"), owns, operates, and maintains a sewage works and water utility;

WHEREAS, the Town Council for the Town of Morgantown, Indiana (the "Council") is the governing board of the Town's sewage works and water utility and, as such, is authorized to adopt and enforce rules and policies for the safe, economical, and efficient management and protection of each utility;

WHEREAS, the Council has become aware of numerous incidents of customers of the Town's utilities, and other persons, unlawfully establishing utility services to properties in Town by accessing Town owned facilities and fixtures, such as water meter pits and meters;

WHEREAS, those self-help actions by customers of the Town's utilities, and other persons results in the loss and theft of Town utility services and physical damage to Town owned property and facilities;

ACCORDINGLY, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORGANTOWN, INDIANA, AS FOLLOWS:

Section 1. For purposes of this Ordinance:

"Customer" means a person in whose name an account with the Town for utility service has been established.

"Divert" means to change the intended course or path of utility services without the authorization or consent of the Town.

"Person" means any individual, partnership, firm, association, corporation, or other legal entity.

"Reconnection" means the reconnection of utility service by a customer or other person after service has been lawfully disconnected or not previously established by the Town.

"Utility service" means the provision of water or any other service provided by the Town.

Section 2. Each of the following actions by a Customer or other Person are hereby prohibited:

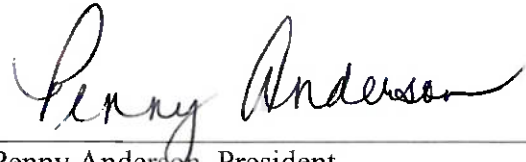
- (a) Diverting or causing to be diverted utility services, by any means whatsoever.
- (b) Preventing any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function.
- (c) Making or causing to be made any connection or reconnection to Town property without the prior authorization of the Town and in compliance with all applicable use ordinances, permits, and inspection requirements.
- (d) Using or receiving the direct benefit of all or a portion of utility services with knowledge or reason to believe that a diversion, prevention of accurate measuring function, or unauthorized connection existed at the time of use or that the use or receipt was otherwise without the authorization of the Town.
- (e) Using any instrument, apparatus, or device primarily designed to be used to obtain utility services without paying the full lawful charge therefor.
- (b) Touching or tampering with any meter or other device so as to prevent it from accurately performing its measuring function

Section 3. A Customer or Person as those terms are defined herein, who violates this Ordinance shall be subject to a monetary penalty of two thousand, five hundred and 00/100 dollars (\$2,500.00) for each violation. Indiana Code 34-28-5-4(e); Indiana Code 36-1-3-8.

Section 4. This Ordinance shall be effective upon its final adoption and publication as required.

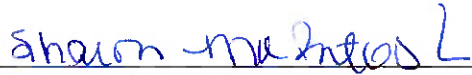
Introduced and adopted on first reading by the Town Council of the Town of Morgantown on the 6th day of September, 2022.

Adopted on second and final reading, by unanimous vote of four council members present,
on the 6th day of September, 2022.



Penny Anderson, President
Morgantown Town Council

ATTEST:



Sharon McIntosh, Clerk-Treasurer