

## **ORDINANCE NO. 2021-41**

### **AN ORDINANCE PROHIBITING TAMPERING WITH AND THEFT OF UTILITIES AND DECLARING AN EMERGENCY IN THE VILLAGE OF DEGRAFF, OHIO**

BE IT ORDAINED, by the Council of the Village of DeGraff, Ohio:

SECTION I: (a) No person shall knowingly, without the utility's consent: (1) Tamper with a gas, electric, steam, or water meter, conduit or attachment of a utility; and/or (2) Reconnect a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility.

(b) In a prosecution under Section (I)(a)(1) hereof, proof that a meter, conduit or attachment of a utility has been tampered with prima-facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit or attachment, and who is in possession or control of the meter, conduit, or attachment at the time the tampering with intent to violate Section (III)(a) hereof.

(c) In prosecution under subsection (a)(2) hereof, proof that a meter, conduit, or attachment disconnected by a utility has been reconnected without the consent of the utility is prima-facie evidence that the person in possession or control of the meter, conduit, or attachment with the intent to violate Section (III)(a) hereof.

#### **SECTION II: Definitions.**

(a) As used in this section "UTILITY" means any electric light company, natural gas company, pipeline company, waterworks company, or heating or cooling company, as defined in Ohio R.C. 4905.03(A)(4), (5), (6), (7), (8), or (9), its lessees, trustees, or receivers, or any similar utility owned or operated by a political subdivision.

(b) As used in this section to "tamper" means to interfere with, damage or bypass a utility meter, conduit, or attachment with the intent to impede the function of a meter or the functions of a conduit or attachment so as to reduce the amount of utility service that is registered on such meter.

#### **SECTION III:**

(a) No person shall knowingly consume any gas, electricity, steam or water that has not been correctly registered because a meter, conduit, or attachment of a utility has been tampered with, or knowingly use service that has been disconnected by a utility and reconnected without the utility's consent.

(b) Such utility shall notify its customers, on an annual basis, of the consequences of tampering with or bypassing a meter.

(c) Whoever violates Section (III)(a) hereof is guilty of tampering with utility equipment. Whoever violates Section (III)(a) hereof shall make restitution to the utility for the cost of repair or replacement of the meter, conduit or attachments damaged and for the value

of the gas, electricity, steam or water consumed, plus any other fines and/or jail time as set forth in Section IV, herein.

(d) Whoever violates Section (III)(b) hereof is guilty of tampering with utility equipment. Whoever violates Section (III)(b) hereof shall make restitution to the utility for the cost of repair or replacement of the meter, conduit or attachments damaged and for the value of the gas, electricity, steam or water consumed, plus any other fines and/or jail time as set forth in Section (IV), herein.

SECTION IV: For a first violation, be guilty of a misdemeanor of the fourth degree, and upon conviction thereof be fined not more than \$250.00 or a jail term for not more than 30 days, or both, and in addition shall pay all costs and expenses in the case. For a Second violation, be guilty of a misdemeanor of the third degree, and upon conviction thereof be fined not more than \$500.00 or a jail term for not more than 60 days, or both, and in addition shall pay all costs and expenses in the case. For a Third violation, be guilty of a misdemeanor of the second degree, and upon conviction thereof be fined not more than \$750.00 or a jail term for not more than 90 days, or both, and in addition shall pay all costs and expenses in the case. For each violation after the Third violation, be guilty of a misdemeanor of the first degree, and upon conviction thereof be fined not more than \$1,000.00 or a jail term for not more than 180 days, or both, and in addition shall pay all costs and expenses in the case.

SECTION V: Each day such a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

SECTION VI: This Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of said Village of DeGraff and this Ordinance shall, therefore, be in force and take effect immediately upon its passage and signature by the mayor.

PASSED \_\_\_\_\_  
Date

Paul I. Hall  
President of Council

Stephanie D. Osborne  
Mayor

I, Kassandra Staley, Fiscal Officer of the Village of DeGraff, Ohio do hereby certify that the foregoing is a true and correct copy of Resolution 21-41 Passed by Council of the said Village on the 21 day of December, 2021.

Kassandra Staley  
Fiscal Officer