

ORDINANCE NO. 2010-292

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE CITY'S UTILITY CREDIT AND COLLECTION POLICIES THAT ARE CONTAINED IN THE DENTON CODE OF ORDINANCES, CHAPTER 26, "UTILITIES," SECTIONS 26-3, 26-4, 26-5, 26-6, 26-8, AND 26-9; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE (THE PUBLIC UTILITIES BOARD RECOMMENDS APPROVAL OF THIS ITEM BY A VOTE OF 5 TO 0).

WHEREAS, in the summer of 2008 the Utilities Customer Service department participated in a management study conducted by Navigant Consulting ("Navigant"). The results of that study provided an evaluation of the Department's current processes including procedures related to customer credit issuance and revenue collection. Navigant's findings indicated that the City's annual bad debt is high, especially for a small utility. These findings were due to a lack of effective customer credit screening, inadequate deposit policies, and ineffective collection efforts. Navigant recommended that Utilities Customer Service revamp procedures in order to reduce the City's bad debt load, as well as to enhance the utility customer experience; and

WHEREAS, in order to implement the Navigant recommendations, Utilities Customer Service once again partnered with Navigant in July, 2009. The goal of this collaborative effort was to introduce a strategy that bases collection activity on consumer credit risk. By going into a risk-based system, Utilities Customer Service can make processes easier for good paying customers and protect the City from bad debt that is associated with high risk customers. The processes that are a part of this ordinance can be used to guide decision making when working with new, existing, as well as former customers; and

WHEREAS, Chapter 26 of the Denton Code of Ordinances presently addresses the subjects of utility service deposits and the collection of accounts regarding all City utility customers; this ordinance clearly provides amended and updated collection procedures for all City utility customers that are beneficial to both the City and to its utility customers. This ordinance implements credit reporting requirements for all customers as well, and states the criteria and alternatives for establishing utility service; and

WHEREAS, the City Council of the City of Denton deems it to be in the public interest to adopt these amendments to the Code of Ordinances as set forth herein, NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings contained in the preamble of this ordinance are incorporated herein as if fully set forth within the body of this ordinance.

SECTION 2. The following sections of the City of Denton Code of Ordinances, Chapter 26, "Utilities" are hereby amended to read as follows:

Refer to Exhibit "A" incorporated herewith and attached hereto, which sets forth the provisions of Sections 26-3, 26-4, 26-5, 26-6, 26-8, and 26-9, in their entirety, as said Sections are now amended by this ordinance.

SECTION 3. It is officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of this meeting was given as required by law.

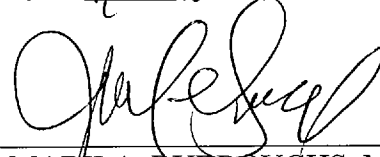
SECTION 4. This ordinance shall be cumulative of all other ordinances of the City of Denton and shall not repeal any of the provisions of said ordinances except for the sections specifically repealed by this ordinance and in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5. If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 6. Save and except as amended hereby, all of the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases in the City Code of Ordinances shall remain in full force and effect.

SECTION 7. This ordinance and the rates herein adopted shall become effective, charged, and applied to all utility services rendered by the City, and shall become effective with the first billing issued on and after January 1, 2011; and a copy of said rates and charges shall be maintained on file in the Office of the City Secretary of the City of Denton, Texas.

PASSED AND APPROVED this the 16th day of November, 2010.

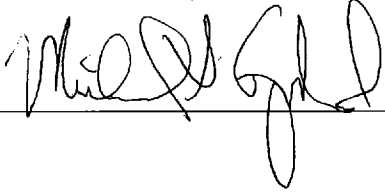


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By Jennifer Walters

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: _____

ARTICLE I. IN GENERAL

Sec. 26-1. Assistant city manager - utilities.

- (a) *Definition.* As used in this chapter and wherever it may appear in this Code, the term assistant city manager - utilities or public utilities director shall mean the assistant city manager - utilities of the utilities department.
- (b) *Appointment.* The assistant city manager - utilities shall be appointed by the city manager subject to confirmation by the public utilities board.
- (c) *Powers and duties.* The assistant city manager - utilities shall have such powers and duties as may be provided by ordinance.
- (d) *Mapping of systems.* The assistant city manager - utilities shall prepare and maintain complete, up-to-date maps of the electric, sanitary sewerage and water systems of the city.

(Code 1966, § 25-1; Ord. No. 2001-200, § 1, 5-15-01)

Sec. 26-2. Right of entry.

Employees of the utilities department shall have the authority to enter any house or premises at any reasonable time in the regular line of duty for the purpose of inspecting any water, electric or sewer line or any water or electric meter or for the purpose of making necessary repairs. If such entry is refused, the employee shall have recourse to every remedy provided by law to secure entry.

(Code 1966, § 25-5)

Cross references: Inspection and abatement warrants, § 19-86 et seq.

State law references: Inspection warrants, Vernon's Ann. C.C.P. art. 18.05.

Sec. 26-3. Service deposits and alternatives.

Employees of the utilities customer service department will determine the appropriate service deposit requirement based on the customer's credit rating with the city utility system or by a reliable external credit source available to the city.

- (a) *Residential customers.* If a customer receiving residential service is required to make a deposit, the deposit may be as much as an amount equal to one-sixth of the last twelve (12) months billing at the service location or a similar location as determined by the utility representative.

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(b) *Residential exemption from deposit.* No service deposit will be required of an applicant for residential utility service if the applicant can provide and qualify for one (1) of the following:

- (1) The applicant has an acceptable credit rating for twelve (12) consecutive months within the last two (2) years with the city utility system.
- (2) The customer receives an acceptable credit rating from a credit source available to the city. The customer must pay the cost of obtaining the credit rating. This cost will be set annually within the utility rate ordinance, but will not exceed one hundred dollars (\$100.00).
- (3) Customers with little credit history or a fair credit rating may be allowed to provide one of the following alternatives in lieu of deposit:
 - a. A signed letter of good standing for utility services from a former utility company for verification within twenty (20) days of applying for service; or
 - b. The applicant provides a cosigner who accepts responsibility and is verified to have an acceptable credit rating with the city utility system, and who is willing to be listed on the applicant's account to guarantee payment of the applicant's utility bills. This guarantee will be in effect until the applicant develops an acceptable credit rating and the cosigner requests removal from the account.

For purposes of this chapter, "acceptable credit rating" shall mean a credit rating which is based upon a commonly used formula or a formula approved by the city council.

(c) *Commercial customers.* In the case of commercial or industrial service, if the applicant for service is required to make a deposit, the amount of the deposit shall be an amount up to one-sixth of the last twelve (12) months of billing at the location where service is requested. If no previous history is available for the location, a representative facility similar to the type where service is requested will be used to establish the amount of the deposit.

(d) *Commercial exemption from deposit.* An applicant for utility service for a commercial or industrial entity or business may not be required to make a deposit if the applicant:

- (1) Provides the city an acceptable commercial/industrial credit rating for the last twenty-four (24) months the customer received service from the city utility system; or
- (2) The customer receives an acceptable credit rating from a credit source available to the city. The customer must pay the cost of obtaining the credit rating.

This cost will be set annually within the utility rate ordinance, but will not exceed one hundred dollars (\$100.00).

(3) If the credit of a commercial/industrial customer for service has not been established satisfactorily to the city, the applicant may provide an irrevocable letter of credit in lieu of a deposit within twenty (20) days of signing for service. The irrevocable letter of credit must be executed by a Texas bank and must be approved by the city manager and city attorney. The customer must maintain the irrevocable letter of credit in effect at all times. If the customer allows the irrevocable letter of credit to expire, the customer shall pay a deposit in the amount provided as listed above, or the city may terminate utility service.

(Code 1966, § 25-4; Ord. No. 94-132, § I, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-4. Additional deposit required.

(a) *Additional deposits.* The city may require a customer to make an additional deposit in the event that a deposit made as specified in subsection (a), (b), (c), or (d) is subsequently determined to no longer be sufficient. The city may disconnect service if the customer does not remit the additional deposit within fourteen (14) days of the city's request, provided a written disconnect notice has been issued. Such disconnect notice may be issued concurrently with the written request for the additional deposit.

A customer may be required to pay a deposit or put down an additional deposit amount if:

- (1) The customer has been terminated from the receipt of utility service due to non-payment of a utility bill; or
- (2) The city has determined there is evidence of a customer tampering with the city's meter; or
- (3) The customer has an unacceptable credit rating and the city does not have in its files a current cosigner who meets the requirements of section 26-3(a) or (b); or
- (4) The customer has been required to pay or is paying off a utility account balance previously deemed uncollectible or is past due; or
- (5) The customer's irrevocable letter of credit filed with the city in lieu of a deposit has expired.

(b) *Interest.* The city shall pay interest on deposits at an annual rate established by city council. If a refund of the deposit is made within thirty (30) days of receipt of the deposit, no interest will be paid. If the deposit is retained more than thirty (30) days, payment of interest shall be retroactive to the date the entire amount of deposit has been made. The

deposit shall cease to draw interest on the date it is returned or credited to the customer's account. Payment of the interest to the customer shall be made at the time the deposit is returned or credited to the customer's account. If the customer's account is active, the deposit will automatically be applied to the customer's account to offset current billing.

(c) *Credit checks.* After making application for service, the customer service department may at any time pursue a credit reference check. If the credit check shows the customer does not have an acceptable credit rating, the customer will be required to place a deposit on the account. Failure to do so will result in the discontinuance of service with no less than two (2) days of notification given verbally or in writing, to the prospective customer by the customer service department.

(Ord. No. 94-132, § I, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-5. Refunds of deposits.

The city shall refund deposits to applicants and customers if one of the following events occurs:

(1) The customer's service has been disconnected. The city shall refund the deposit plus accrued interest less any outstanding balances. A transfer of service from one service location to another shall not be deemed a disconnection and the city shall not require an additional deposit unless authorized by section 26-3 or section 26-4 hereof.

(2) When the customer has paid bills and avoided delinquent status for service for twelve (12) consecutive residential billings without having service disconnected for non-payment of bills, or meter tampering, and provided the customer is not delinquent in the payment of the current bill. The city shall then, in that event, refund the deposit (plus accrued interest) to the customer in the form of a credit to the customer's account.

(Ord. No. 94-132, § I, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-6. Other fees.

(a) *Installation charge.* A first service connection charge in an amount established by the city council and on file in the office of the city secretary will be charged to customers requesting electric service, where no permanent service previously existed and where a new account number is established.

(b) *Connection charge.* A connection charge in an amount established by the city council and on file in the office of the city secretary will be charged to customers requesting water and/or electric service

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(c) *Delinquent service charge, reconnect charge, and deposit.* If water and/or electric utility service is processed for nonpayment, then the customer will be required to pay a delinquent service charge or reconnect charge in an amount established by the city council and on file in the office of the city secretary and establish and maintain a deposit sum up to one-sixth of the last twelve (12) months' billings on billing at the location where service is requested. If a twelve (12) month history is not available, an estimated usage will be used to determine the deposit amount.

(d) *Unauthorized usage penalty.* If a customer fails to request a water and/or electric connection within twenty-four (24) hours of occupancy in a new service location, then the customer will be required to pay an unauthorized usage penalty in an amount established by the city council and on file in the office of the city secretary.

(e) *Meter reading charge.* If a customer requests a reading of a city meter due to a contested billing more than two (2) times in the previous twelve (12) months and if no error is found, the customer will be charged a meter reading charge. The meter reading charge will be in an amount established by the city council and on file in the office of the city secretary.

(f) *Meter testing charge.* If a utility customer requests the testing of a city meter that was previously tested within the past four (4) years and the meter is found to be within accuracy standards, the customer will be charged a meter testing charge. The meter is defined as within accuracy standards when found to be plus or minus two (2) percent or less. This meter testing charge will be established by the city council and on file in the office of the city secretary.

(g) *Meter tampering and/or damage charge.* A meter tampering charge will be required of any person that tampers with, damages, or illegally connects to any city electric, or water, or wastewater system. The meter tampering charge will be established by the city council and on file in the office of the city secretary.

(h) *Meter inaccessibility charge.* A meter inaccessibility charge will be required of any customer that prevents the regular and routine reading or repair, maintenance or replacement of any city electric or water meter. The meter inaccessibility charge will be established by the city council and on file in the office of the city secretary.

(i) *Returned payment charge.* If a customer has a check, money order, or bank draft that has been dishonored by the maker's bank and returned to the city as unpaid, the customer will be required to pay a returned payment charge in an amount established by the city council and on file in the office of the city secretary.

(j) *Late payment charge due on delinquent balances.* A late payment charge in the amount of \$20.00 will be assessed on past due balances on the fifth business day following the due date.

(k) *Interest charge on past due account balances.* Interest shall be assessed on any past due account balance (excluding late payment charges) that remains unpaid prior to the current month's billing calculation. Interest shall be assessed based on the customer's monthly billing schedule and the due date of the customer's past due bill. The interest charge shall be due and payable on the due date of the current month's billing. The interest charge will be established by the city council and on file in the office of the city secretary.

(l) *Application fee.* An application fee may be charged if the customer cannot provide a satisfactory credit rating through previous service history with Denton Municipal Utilities. The application fee will be established by the city council and will be on file in the office of the city secretary.

(Ord. No. 94-132, § I, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-7. Service prohibited to premises in violation of city ordinances.

No utility service of the city or connection for such service shall be furnished or provided to any person engaged in the erection, construction, alteration or repair of any building or premises or any part thereof or engaged in the excavation or the laying of the foundation for any building or premises or part thereof where any part of such building or premises is being erected, constructed, altered or repaired in violation of any ordinance of the city.

(Code 1966, § 25-2; Ord. No. 94-132, § III, 7-19-94)

Sec. 26-8. Grounds for discontinuance of service.

(a) The assistant city manager-utilities, or his designee, shall discontinue service to any person violating any provision of this chapter or any published rule or regulation of the utilities department, or of the city, until such violation has been corrected.

(b) The assistant city manager-utilities, or his designee, shall discontinue service to any person found defrauding the utilities department by tampering with any water or electric line or meter. Service disconnected for any such reason shall not be restored until the assistant city manager-utilities, or his designee, is satisfied that all loss to the utilities department has either been repaid, or is financed for repayment, and that service may be restored without undue risk of further loss through such acts or nonpayment.

(c) Subject to the approval of the city manager, the assistant city manager-utilities, or his designee, shall discontinue service to any person found to be unreasonably wasting or diverting electricity or water.

(d) Utility services may be terminated if payments become delinquent. The city may terminate services at any time upon delinquent status of an account. Once services are terminated, any deposit held by the city will be applied to the delinquent account when

the final bill is generated. If the customer wishes to reconnect services, the customer will be required to pay a delinquent service charge or a reconnect charge and the remaining balance of the delinquent amount. The city may refuse service and require payment in full, based on the credit history of the customer. For continued service, the city will require an additional deposit amount as described in 26-4.

(Code 1966, § 25-3; Ord. No. 94-132, § III, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-9. Billing and collection for services.

(a) *Due date for payment of statements.* The due date for the payment of the bill for utility services shall not be less than ten (10) business days after issuance. Payment must be posted to the customer's account by close of business on the due date, in order to avoid assessment of a delinquent penalty. Payments placed in the mail and showing a postmark on the due date will not be considered as being received on the due date. In addition payments made through alternative sources such as, telephone, remote payment locations, drop box, or internet, will be accepted according to the terms established for those services. These payment requirements will be made available on the customer's utility bill, the city's website, and posted at customer access points when possible.

(b) *Discontinuance of service for nonpayment.* Each customer of the city's utility system who has not paid by the due date as noted on the billing, or according to finance agreements, is eligible for disconnect after the due date upon two (2) days notice.

(c) *Notice of termination of services.* A customer will be notified on his current utility statement that his service is eligible for disconnection if payment is not received by the terms stated on the current bill. The notice will inform the customer that he should remit payment immediately to avoid disconnection. Should the customer contact the utility customer service department within a five (5) day period and prior to disconnection of utility services to present any evidence or argument concerning the statement or amount of utility service provided by the city, the customer will be required to pay any amounts not registered by the customer service department as under dispute by the due date. Any disputed items must be resolved within sixty (60) days of notification to utility customer service. The city will attempt to call the customer and provide a verbal warning of termination of services at least two (2) days prior to actual termination.

(d) *Alternatives to termination of service.* A customer with a past due or delinquent balance may avoid termination of utility service by doing one (1) of the following:

- (1) Paying the total amount due by the specified due date;
- (2) Requesting a payment arrangement with the utility customer service department. The payment arrangement guidelines will be established by the city council and on file in the office of the city secretary.

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(e) *Certain adjustments prohibited.* No adjustment will be made in any monthly bill because of any water or electric leak or loss, unless otherwise stated in this ordinance. No allowance shall be made on utility bills because of use of less service than the quantity set as the basis for the minimum charge.

(f) *Service meters required.* Each customer maintaining a separate residence, either house or apartment, shall have a separate water meter and electric meter and a separate service connection to the city sewer lines; provided, however, that multiple dwellings containing less than four (4) units may be served by one (1) water and one (1) electric meter and one (1) sewer service connection and will be billed under the residential multiple block rate. Multiple dwellings containing four (4) or more units which do not have separate metering and service facilities shall be classified as commercial buildings for utility purposes and shall be billed under the applicable commercial rates.

(g) *Notice of service changes required.* Any customer or prospective customer of the city utility system moving into or out of a building where electric, water, sewer or solid waste service is or will be provided, shall give a minimum of twenty-four (24) hours notice to the customer service department prior to the proposed date of connection or disconnection of utilities. If the customer fails to give proper notification for connection, he will be required to pay an unauthorized usage penalty and payment for services shall be prorated based on evidence provided by the customer or available to utility services and the amount billed will be due and payable by the customer.

(h) *Proration of utility bills.* The billings for utilities consumption may be calculated on a thirty-day basis and prorated higher or lower for longer or shorter billing periods respectively.

(i) *Proration of customer facility charge.* All monthly customer facility charges contained in this chapter shall be prorated higher or lower for billing periods longer or shorter than thirty (30) days, respectively. In such cases, the actual number of days in the reading period shall be divided by thirty (30) days, then multiplied by the net monthly charge to arrive at a customer facility charge.

(j) *Estimated billings and billing adjustments.* The city may estimate active utility services for no more than two (2) consecutive billing periods. This estimate shall be considered the current month billing and must be paid accordingly. The city shall also have the right to provide billing adjustments, consisting of back-billing or back credits, on prior billings for a period up to, but no greater than two (2) years. These prior period billing adjustments must be based on actual meter readings, verifiable evidence, or proration based on actual readings.

(k) *Rejection of application for services.* An application may be rejected if utility customer service has a record of previous past due accounts owing by the applicant and/or any occupant therein that will receive benefit of the services provided to the service location. The city has the option of requiring these amounts to be paid in full or transferring the amounts to the new service account.

(Code 1966, § 25-6; Ord. No. 94-132, §§ III, IV, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-10. Budget billing customer option.

Any residential or local government utility customer of the city may request to be billed for electrical, water, sewer and/or sanitation services based upon an average billing amount. The eligibility and calculation criteria are as follows:

(1) *The customer shall request budget billing in accordance with the provisions of this section.* The customer must have established residence and have a good credit history within the past six (6) months with the city. Budget billing will not be open for enrollment during the four (4) months preceding the settlement month, or 12-month, of the budget billing year.

(2) *The city may accept or deny the request based on the customer's credit history and circumstances as presented by the customer.* Upon acceptance of the request, the city will compute the budget billing amount based on the last twelve (12) months of billing, and adjusted for any rate changes that would affect the budget billing calculation and as described in this subsection. The customer shall be billed this budget billing amount for the remaining months after approval of the application. On the settlement month, or twelfth billing month, the city will credit the customer's account for any accumulated amount in excess of the actual twelve (12) months' consumption. If the amount is greater than two (2) average monthly billings, the customer can request that the amounts be refunded, if requested prior to the due date of the credit. If the amount remaining represents an amount owed by the customer to the city, the customer shall have until the due date of the current billing to pay the additional amount due. The customer's account may be reviewed quarterly, and the budget billing amount may be adjusted based upon the current billings.

(3) *Monthly billing amount calculation.* The city will compute the customer's monthly budget billing amount by totaling the billings for the services for the previous twelve (12) months. If twelve (12) months of billing history is not available, utility customer service may estimate the billing based upon the best available information. These budget billing averages can be adjusted to reflect any rate changes that would likely increase or decrease the average annual billing amount. These annual billing amounts will be divided by eleven (11) to produce estimated usages per month for the next twelve (12) months.

(4) *The city may provide budget billing for utility services based upon the customer's length of residence, credit history, and upon information provided by the customer.* Upon approval, the customer's written or oral consent shall constitute a legal agreement between the customer and the city. The customer

must comply with the terms of this section, the terms of the agreement, and the budget billing policies of the city.

(5) *Termination of budget billing services.* Any late payment (payment received after the billing due date) of any budget billing which occurs more than twice in a twelve-month period shall be cause for discontinuation of budget billing. Any returned check will also constitute a reason for termination of this service. Such customer may not re-qualify for such program until the customer re-establishes at least six (6) months of qualifying payment history. After a second removal from the program, a customer may not re-qualify for such program until after the expiration of one (1) year and a consecutive six (6) months of qualifying payment history.

(Code 1966, § 25-6.1; Ord. No. 94-132, § III, 7-19-94; Ord. No. 2001-200, § 1, 5-15-01; Ord. No. 2002-316, § 1, 9-17-02)

Sec. 26-11. Electrical meters, electrical meter terminal boxes and supply conductors; water meters and water distribution mains and lines.

(a) It shall be unlawful for any person, other than an officer or employee of the city within the department of electric utilities or fire department, to knowingly or intentionally:

- (1) Remove or cause to be removed any electrical meter owned by the city from any electrical meter terminal box;
- (2) Remove or cause to be removed the cover or any other part or portion from any such meter or terminal box or loosen or cause to be loosened any part or portion thereof;
- (3) Insert or cause to be inserted any foreign object or inject or cause to be injected any foreign substance into any such meter or terminal box;
- (4) Make or cause to be made any adjustment in the mechanism of any such meter; or
- (5) Tap onto or connect or cause to be tapped onto or connected any wire to the supply conductor of any such terminal box.

(b) In the prosecution of any offense charged under subsection (a)(1) of this section, it shall be a complete defense to such offense if the person charged shows to the court by legal and competent evidence:

- (1) That such meter was removed for the purpose of protecting life or preserving property being immediately threatened by a hazard on the premises served by such;

(2) That such meter was removed for the purpose of preventing a hazard to the structure served by it due to a short circuiting in the electrical conductor between the terminal box in which such meter was housed and a main line switch or fuse box; or

(3) That such meter was removed by a duly licensed electrician to facilitate the repair of the defective electrical conductor or for checking the supply voltage and at a time when an employee of the city within the department of electric utilities was not available to remove such meter.

(c) In the event of the removal of any electrical meter by a duly licensed electrician under the circumstances enumerated in subsection (b)(3) of this section, the fact of such removal and the circumstances permitting the removal must be reported to the superintendent of the electric distribution division of the department of electric utilities by such electrician not later than one (1) hour after the commencement of the workday of such municipal employee next following such removal.

(d) Unless written permission is first obtained from the superintendent of the water distribution division of the department of utilities of the city, it shall be unlawful for any person, other than an officer or employee of the city within the department of utilities, to knowingly or intentionally:

(1) Tap onto or connect or cause to be tapped onto or connected any pipe with any water distribution main or line owned by the city;

(2) Disconnect or cause to be disconnected any such water meter from any such water distribution main or line owned by the city;

(3) Remove or cause to be removed the cover from any such water meter; or

(4) Disconnect or cut off the water service to a structure, dwelling or building.

All meters, curb cocks, valves and meter boxes connected with the city water mains and service pipes, including those furnished at the expense of the consumers or property owners, shall remain under the direct control of the department of utilities, and it shall be unlawful for any person other than those licensed to do plumbing or those with special permission from the city utilities department to connect, disconnect, move or tamper with any such meter or to turn on or off the water at the curb cock, valve or meter box in any way except with a regulation meter brass key. No bypass or connection between the meter and the main shall be made, maintained or permitted except upon written permission from the department of utilities.

(e) If any such water meter is found to have been removed, if the cover or any part or portion of any such meter or terminal box is found to have been removed, if any part or portion thereof is found to have been loosened, if any foreign object is found to have been inserted or any foreign substance is found to have been injected into any such meter

or terminal box, if any adjustment is found to have been made in the mechanism of any such meter, if any wire has been found to have been tapped onto or connected to the supply conductor of any such terminal box, if any pipe is found to have been tapped onto or connected with any such water distribution main or line, if any such water meter is found to have been disconnected from any such water distribution main or line or if there is the finding at any time of any fact, circumstance or condition on or about any such electrical meter, terminal box, conductor, water meter or water distribution main or line tending to show or evidencing that any such act has been committed or performed in violation of any portion or provision of this section, the fact, circumstance or condition shall be and constitute prima facie evidence and a rebuttable evidentiary presumption of knowledge on the part of the person having subscribed for electric or water service through any such electric or water meter or the person having the custody, control or management of the building, room or place for which such subscription is made of the performance or commission of any such act prohibited under the terms and provisions of this section that such subscriber or other person performed or committed such act or caused or occasioned the performance or commission of the act and shall bring such subscriber or other person prima facie within the scope, meaning and penalties of this chapter.

(Code 1966, §§ 17-11, 25-8; Ord. No. 94-132, § III, 7-19-94)

Secs. 26-12--26-35. Reserved.