

ORDINANCE NO. 2013 - 03

AN ORDINANCE ESTABLISHING VIOLATIONS AND PENALTIES FOR THE ACT OF THEFT/DAMAGE OF CITY SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, ARKANSAS

SECTION 1. For the purpose of this Ordinance, city services shall include, but not limited to water, sewer, sanitation, brush removal and/or any service(s) the city may provide now or in the future.

SECTION 2. A person(s) commits theft of city services and/or damage if, with purpose to defraud or damage:

- A. The person(s) purposely obtains a service that he or she knows to be provided by the City of Bull Shoals, Arkansas for compensation, by deception, threat or other means to avoid payment for the service; or
- B. Having control over the disposition of a service to which he or she is not entitled, the person purposely diverts the service to his or her own benefit of another person not entitled to the service; or
- C. Enters onto the property of another without permission and makes themselves and/or another person the benefits of a city service(s); or
- D. Any person(s) who tampers, defaces, destroys, mutilates any service meter, antenna, line, pipe, water and/or sewer line owned by and under the control of the city.

SECTION 3. Any person convicted for a violation of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines at this time to One Thousand Dollars (\$1,000.00) for the first offense or Two Thousand Dollars (\$2,000.00) for a repeat violation, but a fine not to exceed Five Hundred Dollars (\$500.00) per day for each day the violation continues. In addition any person convicted for a violation of the provision of this Ordinance may be imprisoned in accordance with Section ASA 14-55-602.

SECTION 4. The power of enforcement is dedicated in ASA 14-55-601 through 14-55-608. The remedies include prosecution or a civil action to recover fines.

SECTION 5. In addition to any other fine that may be imposed by the Court, any person(s) found guilty of Theft of City Services is required to make full restitution to the City of Bull Shoals for their documented financial loss(es).

SEVERABILITY: If any provision, clause, sentence, paragraph or section of this Ordinance or the application thereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provision(s) of this Ordinance which can be given effect without the

invalid provision(s) or application and to this end the provision(s) of this Ordinance are declared severable.

EMERGENCY CLAUSE: The City of Bull Shoals, Arkansas presently has numerous water, sewer and sanitation accounts that have not been paid. As we enter into a new era of electronic meter reading, we as a City must protect our product, equipment and citizens from the theft and damage of these and other services past, present and future. For these reasons an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of passage.

PASSED AND ADOPTED by the City Council of the City of Bull Shoals, Arkansas on this 25th Day of APRIL, 2013

APPROVED: Bruce E. Powell
Bruce E. Powell - Mayor

ATTESTED: Jenny Hargleroad
Jenny Hargleroad - Recorder/Treasurer

Posted: 4/29, 2013 **By:** Jenny Hargleroad