

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 74, UTILITIES, ARTICLE I. – IN GENERAL; CREATING SECTION 74-14. – METER TAMPERING; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Clewiston, Florida, finds that it is necessary for the proper administration of the City to provide regulations and penalties codifying the offense of tampering with City utility meters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:

SECTION 1. The Clewiston Code of Ordinances, Chapter 74, Utilities, Article I. – In General, Section 74-14. – Meter Tampering is hereby created to read as follows:

Sec. 74-14. – Meter Tampering.

(a) **Tampering; theft of electrical service.** All electricity consumed on customer premises shall be metered through city utility meters. It shall be a violation of this chapter to install any device intended to bypass city utility meters or to tamper in any way with city utility meters. The property owner or tenant shall in no way interfere with the proper operation of the city’s meters to evade payment for electrical service. It shall be unlawful to break, damage, or remove a meter from its mounting device. In the event of a violation of this article, City shall assess an average electric service bill for such period as it has been established that the user has been receiving service without payment for such service. In addition, the customer shall pay reconnection fees and any other applicable charges as well as a tampering fine under the following schedule:

- (1) For residential meters:
 - a. 1st Offense: \$500.00 dollars.
 - b. 2nd or subsequent offense: \$1000.00 dollars.

- (2) For commercial meters:
 - a. 1st Offense: \$2500.00 dollars.
 - b. 2nd or subsequent offense: \$5000.00 dollars.

(b) **Tampering; theft of water service.** It shall be unlawful for any person, except an authorized employee of the city, to open or operate any fire hydrants, gate valves, or to tamper with, or damage any part of the waterworks, equipment, signals, shutoff boxes, meter boxes, meters or service shutoff cocks, except in the case of accident or for necessary repairs. It shall be a violation of this chapter to install any device intended to bypass city water service utility meters or to tamper in any way with city utility meters. The property owner or tenant shall in no way interfere with the proper operation of the city's meters to evade payment for water service. In the event of a violation, the customer shall pay reconnection fees and any other applicable charges as well as a tampering fine under the following schedule:

(1) For residential meters:

- a. 1st Offense: \$500.00 dollars.
- b. 2nd or subsequent offense: \$1000.00 dollars.

(2) For meters 1.5" or larger:

- a. 1st Offense: \$2500.00 dollars.
- b. 2nd or subsequent offense: \$5000.00 dollars.

Any water service may be discontinued by the City for any interference or tampering, whether by act or commission or omission, with the meter measuring the water supply, or with the seals of any meter, or with any other portion of the water system which was or is required by the department for controlling or regulating the water service.

Secs. 74-15 - 74-44. – Reserved.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on June 17, 2024.

PASSED AND ADOPTED on second and final reading by the City Commission on July 15, 2024.

ATTEST:

CITY OF CLEWISTON, FLORIDA


Mary K. Combass, City Clerk


James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 
Dylan J. Brandenburg, City Attorney