

CITY OF CHICKASAW, ALABAMA

ORDINANCE 2021-01

AN ORDINANCE TO REDUCE THE THEFT OF UTILITY SERVICES IN THE CITY OF CHICKASAW, ALABAMA; PROVIDING FOR ADDITIONAL MEANS FOR THE COLLECTION THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED by the City Council of the City of Chickasaw, Alabama, as follows:

Section 1. Theft of Utility Services - Definition.

(a) A person commits the crime of theft of utility services if:

(1) He obtains utility services from the Utilities Board of the City of Chickasaw known by him to be available only for compensation and fails to pay for said services as correctly billed by the Utilities Board; or

(2) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

(b) "Services" includes the sewer and trash service provided by the Utilities Board. In the event the Board provides additional services, said services will fall under the purview of this ordinance.

(c) Compensation for Utilities Board services are due pursuant to bills issued by the Board. Failure to pay the bill pursuant to billing terms will constitute theft of utility services.

(d) The Utilities Board clerk, after approval by the Board, shall provide written notice to the Magistrate of the Municipal Court or City Police Department in the event charges need to be filed for theft of utility services, providing copies of delinquent bills as evidence.

(e) Theft of utility services is a violation and the Utilities Board shall be entitled to restitution in the event the defendant is found guilty of the violation. The Chickasaw Police Department may use discretion to either issue a citation notifying a defendant of an impending court date or arrest a defendant based on the amount and severity of alleged violations of this ordinance. Further, in the event a defendant is found guilty pursuant to this ordinance, the defendant shall be fined no less than \$25 and no more \$500 and/or serve up to 10 days in jail per violation.

Section 2. Responsibility for utility payments in rental properties.

(a) In the event that utility bills for a particular utility service address are not paid when due, the Utilities Board may disconnect such utility service at such address until such unpaid bills, including all disconnection fees, reconnection fees, return check charges, penalties, and interest are paid in full.

(b) In the event the utilities have been disconnected at a rental property, the Utilities Board may require that the owner of the property, or his agent, co-sign a utilities service agreement with an incoming tenant prior to the utilities being reconnected to the premises.

(c) Unpaid utility bills are hereby declared to constitute a lien in favor of the Utilities Board against the real property to which such utilities were provided, which such lien shall be enforceable by foreclosure.

Section 3. Severability.

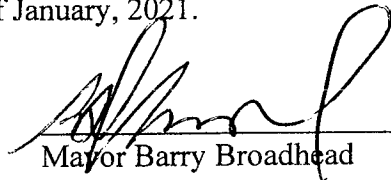
If any section, subsection, clause, provision or part of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such holding or holdings shall not affect any other section, subsection, clause, provision or part of this ordinance which is in itself valid and constitutional.

Section 4. Repealer.

The penalties in this ordinance shall be in lieu of any similar penalties levied or assessed by the City of Chickasaw through any prior ordinance, and such ordinance is hereby repealed to the extent of its contradiction with this ordinance as of the effective date of this ordinance.

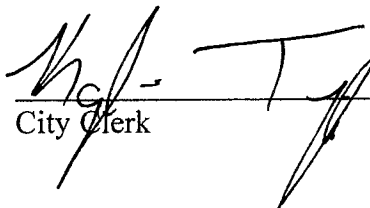
Section 5. Effective Date. This ordinance shall become effective upon passage and publication as required by law and shall commence on the twelfth day of February, 2021.

ADOPTED AND APPROVED this 12th day of January, 2021.



Mayor Barry Broadhead

ATTEST:



City Clerk