

TABLED

Cherokee Council House
Cherokee, North Carolina

SEP 06 2012

Date

ORDINANCE NO. 306 (2012)

WHEREAS, Cherokee Code, Chapter 62 Utilities, controls in the establishment of water regulations; and

WHEREAS, this section does not include penalties for tampering with a tribal water meter; and

WHEREAS, certain activities, such as interfering with the accuracy of registration or physical damage of a water meter have created hazardous conditions and adversely affected the tribal utility's service to others; and

WHEREAS, Section 62 should be amended to include penalties for tampering with tribal water meters.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council Assembled, at which a quorum is present that the Cherokee Code is amended to read as follows:

Chapter 62 UTILITIES

Sec. 62-4. Denial of Service Without Notice.

Service may be refused or discontinued without notice for any of the reasons listed below.

- (a) In the event of a condition determined by the tribal utility to be hazardous.
- (b) In the event of customer use of equipment in such a manner as to adversely affect the tribal utility's equipment or the tribal utility's service to others.
- (c) In the event of tampering with the equipment furnished and owned by the tribal utility.
- (d) In the event of unauthorized use.
- (e) For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- (f) For failure of the customer to permit the tribal utility reasonable access to its equipment.

Sec. 62-5. Payment for Water Used Where Meter Tampered With.

In any case where a service meter or service facility has been tampered with so as to interfere with accuracy of registration or indication, the tribal utility shall be entitled to payment for water used but not registered during a period not exceeding one year prior to the date of discovery of the tampering, unless the time of tampering can be shown, in which case the water not registered subsequent to such time shall be paid for.

Sec. 62-7. Sealing Meters.

Seals may be employed to prevent tampering.

Sec. 62-7. Civil Fine Where Meter Tampered With.

- (a) It shall be unlawful to tamper with a water meter.
- (b) Violations of this section shall subject the offender to a civil penalty of \$250 and service shall not be reconnected until such penalty is paid.
- (c) The Cherokee Tribal Court shall have jurisdiction to enforce this section against all persons who violate its provisions.
- (d) All monetary fines recovered as a result of violations to this chapter shall be returned to the Water Department.

BE IT FURTHER ORDAINED that all ordinances and resolutions inconsistent with this ordinance are rescinded, and this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: the Office of the Attorney General for the Utility Commission