

ORDINANCE NO. 18-06

AN ORDINANCE OF THE CITY OF ROSWELL ESTABLISHING A NEW CITY CODE SECTION ADDRESSING THE MALICIOUS OR UNINTENTIONAL TAMPERING OF DIGITAL WATER METERS, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Roswell is in the process of converting to digital water meters which are replacing the previously used mechanical water meters; and

WHEREAS, the cost of these water meters is expensive to the City of Roswell; and,

WHEREAS, there are City residents which have damaged or destroyed these new meters for various reasons, which has resulted in significant replacement costs.

NOW THEREFORE, be it ordained by the governing body of the City of Roswell, State of New Mexico:

**Section 1. ADDITION OF NEW SECTION.** The Roswell City Code shall be amended to add the following as a new Section 26-125 under Chapter 25, Article V. – Utility Billing and Collection Procedures:

**Sec. 26-122–26-124. – Reserved.**

**Sec. 26-125. – Water Meter Tampering.**

- (a) It shall be the duty of the account holder of such service or property owner to reasonably keep and maintain the meter free from damage or any other interference that might cause or contribute to an interruption of the service of the meter.
- (b) It shall be unlawful for any account holder or property owner to cause or consent to water meter tampering which shall consist of any damage, alteration, or removal of a meter located on the owner's property. Violation of this Section shall constitute a misdemeanor.
- (c) Repair or Replacement of Meter.
  - (1) Upon the first instance of a meter being damaged, altered, or removed such that it must be repaired or replaced, the account holder shall be notified in writing and shall be required to pay both the replacement cost for materials as shown in the table as referenced in paragraph (d) of this Section, and the personnel costs shown in the table as referenced in

paragraph (d) of this Section, within thirty (30) days of written notice. This will also include the installation of a locking lid. The fees described in this section may be added to the account holder's water utility bill and failure to pay the total bill within the required time will result in the termination of service to that property as stated in Sec. 26-119. (Termination of service).

(2) Upon the second instance of a meter being damaged, altered, or removed such that it must be repaired or replaced, the account holder shall be notified in writing and shall be liable for the provisions of paragraph (c)(1) above and, in addition, the account holder shall pay an additional administrative fee of \$50. This will also include the installation of a locking lid. The fees described in this section may be added to the account holder's water utility bill and failure to pay the total bill within 30 days of written notice will result in the termination of service to that property as stated in Sec. 26-119 (Termination of service). After any subsequent offenses, service at the address may be cancelled and only reinstated upon the payment of the full cost of a new service will be passed to the new account requestor for that location.

(3) An account holder aggrieved by an action under this subsection may appeal to the City Manager or his/her designee, in writing delivered no later than 45 days after date of written notice under Paragraph (c)(1) or (2) above.

(d) Replacement and Repair Cost Tables:

Replacement and repair cost tables as referenced in Resolution 18-68, and all subsequent modifying resolutions, shall apply to the provisions of this ordinance.

## **Section 2. SEVERABILITY.**

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 3. EFFECTIVE DATE.**

This ordinance shall be effective after five (5) days following its publication as required by State law.

PASSED, ADOPTED, SIGNED and APPROVED the 13 day of December, 2018.



ATTEST:

  
Dennis Kintigh, Mayor

  
Stephanie Garay, Deputy City Clerk