

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 37

THEFT OF SERVICE ORDINANCE

An Ordinance prohibiting the misappropriation of services, both public and private, and providing penalties therefor.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

GENERAL PROVISIONS

Section 1.1 Short Title

This Ordinance shall be known and cited as the "Theft of Services Ordinance."

Section 1.2 Intent and Purpose

It is the intent and purpose of this Ordinance to prohibit any person from misappropriating certain services provided in the Township.

Section 1.3 Legal Basis

This Ordinance is enacted pursuant to Michigan Act 359 of 1947, as amended.

ARTICLE II.

DEFINITIONS

Section 2.1 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- a. "Facilities" mean any apparatus used by a person in furnishing services to the public, including but not limited to electric power lines and poles, wires, cables, pipes, mains or other conductors or conduits used for the supplying and/or transmission of such services to the public.

b. "Person" means an individual, partnership, corporation or other legal entity.

c. "Services" means the furnishing to the public, by either a private or public person, any of the following: water, steam, sanitary sewer, electricity, gas, cable antenna radio or television communications/transmissions or telephone or telegraph communications/transmissions.

### ARTICLE III.

#### CONDUCT PROHIBITED

##### Section 3.1 Misappropriation of Services

It shall be unlawful for any person to appropriate for its own use any services, without paying for said services such fees, costs, rates or charges to the person furnishing such services.

##### Section 3.2 Utilizing Facilities Without Consent

It shall be unlawful for any person to utilize the facilities of a person furnishing services to the public unless prior consent from the owner of such facilities, or its authorized agent, has been obtained.

##### Section 3.3 Damaging or Altering Facilities

It shall be unlawful for any person to damage, tamper with, connect to, or otherwise alter any facilities of a person furnishing services to the public, unless prior consent from the owner of such facilities, or his authorized agent, has been obtained.

### ARTICLE IV.

#### PENALTY

##### Section 4.1 Misdemeanor

Any person who violates any section of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days

or a fine of not more than Five Hundred (\$500.00) Dollars or both in the discretion of the Court.

Section 4.2 Separate Violations

Each and every day on which a violation of this Ordinance continues shall constitute a distinct and separately punishable violation.

ARTICLE V.

SEVERABILITY

If any section, sub-section, sentence, clause, phrase 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 independant provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE VI.

EFFECTIVE DATE

This Ordinance shall take effect on the 31st day after publication following adoption as required by law.