

## **TOWNSHIP OF SANILAC WATER THEFT & TAMPERING LAW**

**Pursuant to MCL 328 of 1931, Section 750.282: Offenses against water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants; misdemeanor; felony; civil action not impaired by criminal prosecution; presumption; prima facie evidence of violation.**

Sec. 282.

(1) A person shall not do any of the following:

(a) Willfully or fraudulently injure, or fraudulently allow to be injured, a meter, wire, line, pipe, or appliance belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor.

(b) Willfully or fraudulently prevent a water, steam, electric, gas, or propane gas meter belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor from duly registering the quantity of water, steam, electric current, gas, or propane gas measured through the meter, or in any way hinder or interfere with the meter's proper action or just registration.

(c) Attach a line, wire, or pipe to a line, wire, pipe, or main belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor. This subdivision does not apply to the use of a ground wire to ground an electrical system.

(d) Willfully or fraudulently interfere with a pressure regulator device on a propane gas tank or incorporated into a propane gas system.

(e) Use or burn or cause to be used or burned any water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor, without the written consent of the company or the propane gas dealer or distributor, or the authorized agent or officer of the company or the propane gas dealer or distributor, unless the water, steam, electric current, gas, or propane gas passes through a meter or is measured by a meter set by the company or the propane gas dealer or distributor; fraudulently use the water, steam, electric current, gas, or propane gas, or fraudulently waste the water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor.

(2) A person who violates subsection (1) is guilty of a misdemeanor if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is not more than \$500.00. A person who violates subsection (1) is guilty of a felony if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is more than \$500.00.

(3) A criminal prosecution under this section shall not in any way impair the right of the company or the propane gas dealer or distributor to full compensation in damages by civil action.

(4) The provisions of this section shall extend and apply to all offenses against all water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants for producing, manufacturing, furnishing, transmitting, or conducting water, steam, electricity, or gas, either natural, liquefied, or artificial.

(5) A person who attaches any line, wire, or pipe or any other device or process to any line, wire, or pipe of a water, steam, electric, or gas company, or propane gas dealer or distributor which interferes with the proper operation and just registration of a meter within the meaning of this section, or who interferes with a pressure regulator device on a propane gas tank or incorporated into a propane gas system, is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved.

(6) In all prosecutions under this section, proof that the defendant, other than a lessor, had control of or occupied the premises where the offense was committed, or received the benefit of the water, steam, electric current, gas, or propane gas used or consumed, shall be prima facie evidence of a violation of this section.

## POLICY

It is the policy of The Township of Sanilac to aggressively deter any person or entity from the theft of water, damage or tampering (including removing or altering meter locks) of water or other services. Sanilac Township intends to deter water thefts to minimize inequities to its rate payers, to prevent backflow resulting from hydrant theft and to do its part to address Homeland Security concerns. Through cooperation among Sanilac Township officials, The Village of Lexington water employees, customers, the community, regulators, first responders, law enforcement, prosecutors and others, the prevention of water theft can be reduced.

Measures to deter water theft or tampering will include the discontinuation of existing service, removal of existing service connections, promptly contacting law enforcement, demanding full payment of a new service charge for reinstatement of service, recording of property liens for unpaid bills and/or fines and any other action allowed by law.

The Township of Sanilac reminds customers that unauthorized water used includes the following and is considered a violation of the law referenced on page 1 of this policy:

- Opening valves at the meter that have been off or locked by Sanilac Township Officials or Village of Lexington water personnel
- Bypassing, removing, disabling or trying to adjust water meters
- Breaking, picking or damaging shut-off locks
- Connecting to or intentionally damaging water lines, valves or other equipment to receive water service that is not measured through a meter and/or is not being billed
- Using unmetered fire hydrants for construction, swimming pools filling, tanker truck filling, culvert cleaning or ANY other purpose apart from Village of Lexington water employees for maintenance purposes and fire department personnel for firefighting only.

If you are aware of any of these activities in your neighborhood, please report them to us at 810-622-8178 extensions 1, 2 or 3 (you can remain anonymous). If any of these situations pre-existed at your property and you were unaware that it is considered theft of service, please contact us so that we can help guide you through correcting the matter. The Township of Sanilac reminds customers that it follows the Michigan Department of Environment, Great Lakes, and Energy (EGLE); and the Michigan Public Service Commission's regulations for water utilities on performing water shutoffs and locking service where theft is suspected.

The safety of Sanilac Township Officials and the Village of Lexington Water employees is of the utmost importance. Aggressive, intimidating, or threatening behavior toward them as they are carrying out their duties will not be tolerated. They are authorized to immediately contact law enforcement.

When theft and tampering occur, all customers must pay the costs associated with lost water and replacing broken or stolen equipment. We will pursue charges against perpetrators to the fullest extent of the law.

Adopted: FEBRUARY 9, 2023, BOARD MEETING