



# BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-01

ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE MISAPPROPRIATION OF SERVICES, BOTH PUBLIC AND PRIVATE, AND PROVIDING PENALTIES THEREFOR.

**WHEREAS**, the Borough of Tarentum, County of Allegheny, Commonwealth of Pennsylvania desires to prohibit the misappropriation of services, both public and private; and

**WHEREAS**, pursuant to Act 37 of 2014, Chapter 33, Subchapter A, Section 3301.1, the Borough of Tarentum desires to exercise an ordinance providing for additional police powers within the Borough to prohibit such conduct and provide penalties therefor; and

**NOW, THEREFORE**, BE IT ORDAINED AND ENACTED by Council of the Borough of Tarentum, and it is hereby ordained and enacted by authority of same as follows:

## 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 Borough.

### Section 1.3 Legal Basis

This Ordinance is enacted pursuant to Pennsylvania Act 37 of 2014, 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.



# BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



## ORDINANCE #18-01

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, radio, internet 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 charge 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 authorize agent, has been obtained.

#### **Section 3.4 Unauthorized Use of Facilities**

It shall be unlawful for any person to damage, tamper with, connect to, or otherwise alter any facilities of a person receiving services, unless prior consent from the provider of such facilities, or his authorize 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 One Thousand (\$1,000.00) 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



# BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



## ORDINANCE #18-01

shall be deemed a separate, distinct and independent 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 30th day following adoption as required by law.

**IN WITNESS WHEREOF**, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this 3rd day of May, 2018.

ATTEST:

BOROUGH OF TARENTUM

\_\_\_\_\_  
Michael L. Nestico, Borough Manager

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Erika Josefoski, President of Council

EXAMINED AND APPROVED by me this 3rd day of May, 2018.

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David A. Regoli, Esq., Solicitor

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Eric Carter, Mayor

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