

# Pangburn Water Company Policy

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Amended 11/02/2022

1. Billing and collection:
  - a. Bills are mailed on or about the first (1<sup>st</sup>) of the month and they become delinquent ten days later at which time cutoff notices will be mailed stating that the bills are due at the end of business on the 19<sup>th</sup> of the month and will be disconnected on the 20<sup>th</sup> of month if bill and penalty are not paid before that date.
  - b. Total bill plus penalty and a thirty (30) dollar reconnect fee must be paid before service will be reinstated. **MUST BE CASH, CASHIERS CHECK, OR MONEY ORDER, OR SERVICE NOT REINSTATED UNTIL CHECK CLEARS BANK.**

NOTE: Amended Feb. 3, 2009 reconnect fee from \$25 to \$30
  - c. If a customer's meter has been shut off for nonpayment and the customer turns their water meter back on illegally, without payment, they will be charged a \$30.00 reconnect fee plus an additional \$50.00 illegal turn on fee. (Amended October 2<sup>nd</sup>, 2018)
  - d. Returned Check Policy- Returned checks will incur a \$30.00, return check fee, and must be picked up within 5 business days or water will be disconnected and another \$30.00 disconnect fee will be added to the amount already owed before service can be reinstated.
  - e. All payments paid by the Pangburn Water Department, with a check will have 180 days to cash the check. After that time, the check will be considered null and voided. (January 3<sup>rd</sup>, 2012)
2. After user has had two (2) delinquencies in a twelve (12) month period, he will be required to double his deposit before service will be reinstated.
3. Illegal connections (two users on one meter, hookups around meters, or hookups without meters) will not be tolerated.

Any water and/Sewer users with a meter owned by the Pangburn Waterworks and Sewer System that has more than one home or structure tied to it, will incur additional charges and/or penalties for nonpayment. Specifically, the monthly service amount for a meter with two homes or structures attached to it shall be doubled to account for the additional home or structure. Further, if all charges invoiced to Pangburn Water and Sewer Users are not paid when due, such amounts will be considered delinquent and Pangburn Water and Sewer System will pursue all methods of collection and recovery allowable under applicable law, including but not limited to termination of service. Effective August 1<sup>st</sup>, 2014.

A trailer park or apartment complex shall be charged on the basis of the number of units times the minimum rate. The owner of the trailer park or apartment complex will receive, as minimum billing, the number of unit's times the minimum gallon age. For water consumption and sewer use over the calculated minimum, the excess will be billed by the existing rate structures. Approval for this method of billing requires the owner of the

trailer park or apartment complex to meet the requirements of the Water and Sewer Commission Rules and Regulations for water and sewer service.

4. Uncollected bills will be turned over to a collection agency for collection. Their charge is 50% of the amount collected which user will be expected to pay if and when service is requested in the future.
5. We assume responsibility for sewer mains only. We cannot be responsible for Private sewer lines. As it pertains to this policy, Gravity Sewer mains are those pipes having a minimum diameter of 6" and running from manhole to manhole. Additionally, private sewers are identified as having a diameter of 4" or less. They often contain bends and clean outs. A copy of the completed sewer ordinance may be obtained upon request.
6. We are prohibited by the Arkansas State Plumbing Code from providing water service to a new (first time ever) location that is not served by a community sewage system until the owner proves that the State Department of Health has approved plans for the construction of a sewage disposal system by providing us with a copy of the Department of Health's PERMIT TO CONSTRUCT or a letter from the County Sanitarian exempting owner from this requirement.
7. We are prohibited by the Arkansas State Plumbing Code from providing water service to a new (first time ever) location until owner has provided proof that the plumbing and service line is in substantial compliance with the Arkansas State Plumbing Code by providing us with a copy of a plumbing inspection report by a certified plumbing inspector.
8. The Commission has adopted the following connection fee schedule for new customers taking water service from the existing distribution system.
  - a. Connection inside the Corporate Limits of the City of Pangburn - \$700 (Amended Feb 4, 2011, 3-01-2022)
  - b. Connection outside the Corporate Limits of the City of Pangburn - \$700 (Amended 02-04-2011, 3-01-2022)

The connection fee includes the service line from the water main to the meter setting on the Right of way of the street or road. The meter setting includes the meter setter, the meter, and meter box. Should a pressure reducing valve (PRV) be required, the cost and installation is the customer's expense. The PRV valve shall be installed outside the meter box. The customer should also install a cutoff gate valve outside the meter box for their own use as all the equipment inside the meter box is the Water Department's property. Water service lines that are required beyond the street or road right of way to the meter setting will be an extra charge. The extra charge is to be based on the trenching conditions and the length of service tubing required.
9. The Commission has adopted the following procedures for connections to the water system where a developer has installed the water main extension. The developer shall install the water system extension in accordance with the Pangburn Water System's standard and with the pipe size as required by the Water Department. The plans and specifications are required to be approved by the State Board of Health Division of Engineering and the Pangburn Water and Sewer Commission prior to construction.

The developer may elect to provide the encased service line crossing of the street or road. The connection fee would be \$300.00 for the meter setter, meter and meter box. Other requirements such as the pressure reducing valve and shut-off valve would be the water customer's expense. If shut off valve is not installed we cannot grant service to the customer or Pangburn Water will install a shut off valve at the customer's expense.

In the event the developer does not install the service line across the streets or roads, the connection fee would be as listed in Paragraph 8.

10. The new water system connections outside the Pangburn Corporate Limits shall be required to complete and file with the Water and Sewer Commission a Water User Agreement and pay the connection fee.
11. For location of meters refer to #8. Landowners may not fence around or block access to said meter/blow-off valve at any time. Landowner is responsible for mowing and keeping area clean so that it can be easily located. Landowner must keep all animals away from area. Landowner must sign meter placement agreement form.(Added April 7, 2009)
12. Sewer: Any work done to existing sewer lines and installation of new sewer lines on customer's side is required to install a sewer check valve on the customer's side. Any sewer tap made must be done by a master plumber. This will be customer's responsibility, customer cannot tap sewer or manhole this is done only by a Licenses Plumber. (Customer's side is anything from the main to the structure) (Amended January 5<sup>th</sup>, 2016)
13. POLICY FOR GREASE TRAPS:  
Pangburn Water & Wastewater recognizes that certain waste streams are costly and difficult, if not impossible to treat. Therefore, we have adopted a standard policy of requiring certain commercial operations, such as restaurants, to operate and maintain grease interceptors. Proper operation & maintenance of apparatus is essential to the health of our sewers. The cost of operating and maintaining the equipment falls to the customer. Pangburn Water & Waste Water professionals shall bear the responsibility of inspecting grease traps & interceptors for the purpose of determining cleaning cycles. Owners will contract to have their traps emptied and forward copies of the performed services to Pangburn Water to be filed. Failure to conform to prescribe scheduling will be met with an order to comply letter. Failure to act upon the letter to comply will result in termination of water services.

14. We are directed by the Arkansas Department of Health and City ordinance 96-4 established 1997, to establish and maintain a cross – connection control program in order to ensure delivery of safe, potable water. This policy pertains to commercial, industrial, and agricultural operations, as well as other potential polluters, as deemed by the Department. This does not typically include single family dwellings. Exceptions to this are homes with a landscape sprinkler system. Underground sprinkler systems shall be accompanied by a back flow device (RPZ). These potential customers will, at their expense, install, maintain, repair and/or replace an AWWA approved backflow device. Allowances shall be made for the reasonable inspection of these devices by Pangburn Water representatives, plumbing inspectors, or State Health Department. An annual inspection and testing of backflow devices will be performed by contract. A copy of the test results will be furnished to Pangburn Water to be kept on file. Adherence to this policy will ensure the continued delivery of water to the premise. Uncorrected violations of this policy will result in water services being discontinued.
15. All water accounts within city limits are to be billed for trash. The only exceptions are commercial property (includes churches, not parsonages) and those the trash committee has voted to be exempt.
16. Landlord Rental Agreement: Landlords wanting to open up water in their name can do so with no deposit (if landlord is in good standing with water department). We will get reading on meter before turn on and after turn off and the landlord will have two weeks to clean. After doing this they will need to contact the Pangburn Water Dept. and let us know they are done with the water. We will then get final reading and charge the landlord for water used and all other applicable charges such as sewer and trash. This applies to all landlords with one property or multiple properties. (Added March 6<sup>th</sup>, 2013)
17. Readings: When a customer feels their reading is inaccurate or inconsistent then Pangburn Water Dept. will go and reread the customer's meter and check for a leak. If there is no leak and the reading is accurate with current readings then **Under No Circumstances will there be a refund or adjustment on their bill.** This is effective as of August 1<sup>st</sup>, 2014.
18. Leak Adjustments: We allow our Pangburn Water customers to have one leak adjustment per calendar year. This will be 30% deduction off of your bill caused by the leak. The customer will have to show proof of receipts of repair or a licensed plumber's statement before they will receive their leak adjustment. This will be a once a year adjustment. Any leaks over the amount of \$1,000 will have to be presented physically by the customer to the Pangburn Water Commission at our next monthly meeting. They will decide what adjustment may be given or not given according to the case presented. Amended March 2<sup>nd</sup>, 2021.
19. Meter Guidelines: It is a responsibility of Pangburn Water to turn meters on and off. If a customer damages the meter setter by turning the meter on and off by themselves, they will be invoiced the cost for the labor and repair costs that it takes to repair the setter. Amended 11/01/2022

## 5-36-104. Theft of services.

- (a) A person commits theft of services if, with purpose to defraud:
  - (1) The person purposely obtains a service that he or she knows to be available only for compensation, by deception, threat, or other means to avoid payment for the service; or
  - (2) Having control over the disposition of a service to which he or she is not entitled, the person purposely diverts the service to his or her own benefit or to the benefit of another person not entitled to the service.
- (b) In a circumstance in which payment is ordinarily made immediately upon the rendering of a service, absconding without payment or offer to pay gives rise to a presumption that the actor obtained the service with the purpose of avoiding payment.
- (c) Theft of services is a :
  - (1) Class B felony if:
    - (A) The value of the service is twenty-five thousand dollars (\$25,000) or more;
    - (B) The service is obtained by the threat of serious physical injury to any person or destruction of the habitable structure of another person;
    - (C) The service is obtained by threat, and the actor stands in a confidential or fiduciary relationship to the person threatened; or
    - (D) The theft of services involves a theft of a utility service that results in:
      - (i) Any contamination of a lines, pipe, waterline, meter, or other utility property; or
      - (ii) A spill, dumping, or release of any hazardous material into the environment;
  - (2) Class C felony if:
    - (A) The value of the service if less than twenty-five thousand (\$25,000) but more than five thousand dollars (\$5000); or
    - (B) The service is obtained by threat; or
  - (3) Class D felony if the value of the service is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000); or
  - (4) Class A misdemeanor if the theft of services:
    - (A) Involves a theft of a utility service that results in the destruction or damage to a line, pipe, waterline, meter, or any other property of the utility; or
    - (B) Is otherwise committed.
- (d)(1) In addition to any other fine that may be levied under 5-4-201, any person found guilty of theft of services under this section is required to make full restitution to the utility from which the service was obtained if the theft of services involves theft of a utility service such as gas, electricity, water, telephone, or cable television service.
  - (2) For a prosecution brought under this subsection to enable the court to properly fix the amount of restitution, after appropriate investigation the prosecuting attorney shall recommend an amount that would make the utility whole respect to:
    - (A) The value of the service received;
    - (B) The cost of repair of any damage to any;
      - (i) Line;

- (ii) Pipe;
- (iii) Waterline;
- (iv) Meter; or
- (v) Other utility property; and

(C) Any other measurable monetary damage directly related to the offense, including the expense of investigation.

(3) If the defendant disagrees with the recommendation of the prosecuting attorney, he or she is entitled to introduce evidence in mitigation of the amount recommended.

(4) The monetary judgment for restitution, as provided in this section, becomes a judgment against the offender and has the same force and effect as any other civil judgment recorded in this state.

History. Acts 1975, No. 280 & 2204; 1977, No. 360 & 9; 1983 No. 719 & 2; A.S.A. 1947, & 41-2204; Acts 1997, No. 518m & 1; 1999, No. 986, & 1; 2011, No. 570 & 24; 2011, No. 1120, & 15.