

**5 GCA GOVERNMENT OPERATIONS
CH. 56 PUBLIC UTILITY AGENCY OF GUAM**

**CHAPTER 56
PUBLIC UTILITY AGENCY OF GUAM**

Article 1. General Provisions.

Article 2. Illegal Water & Sewer Hookups.

**ARTICLE 1
GENERAL PROVISIONS**

- § 56101. Facilities & Personnel. [Repealed]
- § 56102. Fund. [Repealed]
- § 56103. Original Capital. [Repealed]
- § 56104. Duty of Agency. [Repealed]
- § 56105. Rates. [Repealed]
- § 56106. Powers; Rates. [Repealed]
- § 56107. Collection of Accounts. [Repealed]
- § 56108. Rules and Regulations. [Repealed]
- § 56109. PUAG Fund. [Repealed]
- § 56110. Fire Hydrants: Installation & Operating Costs. [Repealed]
- § 56111. Improvements for Subdivisions. [Repealed]
- § 56112. Retirement Fund Contributions. [Repealed]
- § 56113. Service Charge to General Fund. [Repealed]
- § 56114. Bonds of Officers. [Repealed]
- § 56115. Installment Payments. [Repealed]
- § 56116. Default of Installments. [Repealed]
- § 56117. Rediscounting Notes. [Repealed]
- § 56118. Reimbursement to PUAG. [Repealed]
- § 56119. Water & Sewer System Development Charge. [Repealed]
- § 56120. Fire Hydrants: Color Coding.
- § 56121. Same: Reflective Paint.

NOTE: GC § 21200, as amended by P.L. 16-59:1, has been placed in 5 GCA § 3123. That Chapter contains all laws creating line agencies of the government of Guam. P.L. 23-119:2(b) repealed §§ 56101 through 56118.

§ 56101. Facilities & Personnel.

[Repealed.]

SOURCE: GC § 21201 enacted by the First Guam Legislature; amended by P.L. 9-189 (the creation of the Guam Power Authority), P.L. 13-110:13 and P.L. 16-59:2 (subsection (c) only). Repealed by P.L. 23-119:2(b).

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COMMENT: The law respecting the Guam Power Authority is found in 12 GCA Chapter 8. The law respecting telephone service and the Guam Telephone Authority is found in 12 GCA Chapter 7.

§ 56102. Fund.

[Repealed.]

SOURCE: GC § 21202 codified by P.L. 1-88 (1952). Repealed by P.L. 23-119:2 (b).

§ 56103. Original Capital.

[Repealed.]

SOURCE: GC § 21203 codified by P.L. 1-88 (1952). Repealed by P.L. 23-119:2 (b).

§ 56104. Duty of Agency.

[Repealed.]

SOURCE: GC § 21204; amended by P.L. 12-44, P.L. 13-110:14; P.L. 16-59:3. Repealed by P.L. 23-119:2 (b).

§ 56105. Rates.

[Repealed.]

SOURCE: GC § 21205 codified by P.L. 1-88 (1952). Repealed by P.L. 13-179:2. *But see* § 56106, below. Repealed by P.L. 23-119:2 (b).

§ 56106. Powers. [Repealed.]

SOURCE: GC § 21206; amended by P.L. 12-44, P.L. 13-110:15, P.L. 13-179:4, P.L. 16-49:4, P.L. 16-59:4, P.L. 17-74:6. R/R by P.L. 22-47:4 (12/2/93). Repealed by P.L. 23-119:2(b).

NOTE: P.L. 18-33 sections 25, 26 and 27 were enacted regarding PUAG and read as follows:

"Section 25. Notwithstanding any other provisions of law, effective May 15, 1986, the rates for water and sewer charged by PUAG shall be rolled back to those in effect on September 1, 1985. The rate order approved by the Public Utilities Commission on December 30, 1985, is hereby rescinded. No customer shall be billed or required to pay more than once for water and sewer charges computed under the Public Utilities Commission's rate order of December 30, 1985.

Section 26. Notwithstanding any other provision of law, the Public Utilities Commission shall have no authority over water and sewer rates.

Section 27. Notwithstanding any other provision of law, the Public Utilities Agency of Guam shall not increase its rates for water and sewer without express approval by law."

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§ 56107. Collection of Accounts.

[Repealed.]

SOURCE: Repealed by P.L. 23-119:2(b).

§ 56108. Rules and Regulations.

[Repealed.]

SOURCE: GC § 21207; amended by P.L. 16-59:5. Subsection (c) added by Section 28, P.L. 18-33, and codified by the Compiler. Repealed by P.L. 23-119:2(b).

§ 56109. PUAG Fund.

[Repealed.]

SOURCE: GC § 21208; subsection (c) amended by P.L. 6-69. Repealed by P.L. 23-119:2(b).

§ 56110. Fire Hydrants: Installation & Operating Costs.

[Repealed.]

SOURCE: GC § 21208.1 added by P.L. 6-69. Repealed by P.L. 23-119:2(b).

NOTE: GC § 21208.2, Streetlights, was repealed by P.L. 9-189. The present Abandoned Vehicle & Streetlight Fund is found in 16 GCA §7161.

§ 56111. Improvements for Subdivisions.

[Repealed.]

SOURCE: GC § 21208.3 added by P.L. 6-69; amended by P.L. 13-10:16. Repealed by P.L. 23-119:2(b).

§ 56112. Retirement Fund Contributions.

[Repealed.]

SOURCE: GC § 21208.4 added by P.L. 6-69. Repealed by P.L. 23-119:2(b).

§ 56113. Service Charge to General Fund.

[Repealed.]

SOURCE: GC § 21208.5 added by P.L. 6-69. Repealed by P.L. 23-119:2(b).

NOTE: GC § 21209, Loans to Agency, enacted in 1952, amended by P.L. 7-71, and P.L. 9-229, was repealed by P.L. 12-121. The same GC § 21209, Loans to Agency, was again added by P.L. 14-142:1 and again repealed by P.L. 16-59:8.

GC § 21210, Authorization for Appropriation, enacted by Original Govt. Code (1952), was repealed by P.L. 13-179:2.

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GC § 21211, Management Contracts, codified by P.L. 1-88 (1952), was repealed by P.L. 16-59:8.

GC § 21212, Applicability of Law, codified by P.L. 1-88 (1952), was repealed by P.L. 13-179:2.

§ 56114. Bonds of Officers.

[Repealed.]

SOURCE: GC § 21213 codified in P.L. 1-88 (1952). Repealed by P.L. 23-119:2(b).

§ 56115. Installment Payments.

[Repealed.]

SOURCE: GC § 21214 repealed/reenacted by P.L. 13-110:17. Repealed by P.L. 23-119:2(b).

§ 56116. Default of Installments.

[Repealed.]

SOURCE: GC § 21215 added by P.L. 2-44. Repealed by P.L. 23-119:2(b).

§ 56117. Rediscounting Notes.

[Repealed.]

SOURCE: GC § 21216 added by P.L. 2-44. Repealed by P.L. 23-119:2(b).

NOTE: The Guam Finance & Development Agency no longer exists. It was the predecessor to the Guam Economic Development Authority. The demise of the Finance & Development Agency in no way limits the effectiveness of this section. All that happened is that one source of financing the notes no longer exists.

GC § 21217, Reservoirs which can be used by Farmers, added by P.L. 13-200:1, was repealed by P.L. 16-59:8.

There have been numerous uncodified laws passed with respect to particular projects and appropriations to be undertaken by PUAG. For a listing of these, see the Index to the 17th Guam Legislature, and later Session Laws.

§ 56118. Reimbursement to PUAG.

[Repealed.]

SOURCE: Enacted by P.L. 19-10, Ch. XI:1 as an uncodified section; codified by Compiler. Repealed by P.L. 23-119:2(b).

§ 56119. Water and Sewer System Development Charge.

[Repealed.]

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SOURCE: Added by P.L. 19-47:2 as GC § 21206.2. Repealed b P.L. 26-164:4. Replaced by 12 GCA § 12015.5.

§ 56120. Fire Hydrants: Color Coding.

(a) All fire hydrant barrels shall be painted with yellow paint. Tops and nozzle caps of these hydrants shall be painted as follows:

(1) In the case of hydrants with a flow capacity of one thousand (1,000) or more gallons per minute, the tops and nozzle caps shall be painted pink;

(2) In the case of hydrants with a flow capacity equal to or greater than five hundred (500) gallons per minute and less than one thousand gallons per minute, the tops and nozzle caps shall be painted orange;

(3) In the case of hydrants with a flow capacity of less than five hundred (500) gallons per minute, the tops and nozzle caps shall be painted red.

(b) All fire hydrants shall be painted with reflective paint.

(c) Fire hydrants with a rated pressure of less than twenty pounds per square inch shall have the rated pressure stenciled in black on the hydrant top.

(d) All fire hydrants shall be maintained in good working order.

SOURCE: Enacted by P.L. 19-49:1 as GC § 21208.2.

§ 56121. Fire Hydrants: Reflective Paint.

Location markers of a reflective-type paint for rapid identification at night of fire hydrants shall be installed on public roads. Marking on private hydrants within private enclosures is to be at the owner's discretion.

SOURCE: Added by P.L. 19-49:2 as an uncodified section; codified by Compiler.

ARTICLE 2
ILLEGAL WATER AND SEWER HOOKUPS

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NOTE: Article 2 was added as uncodified provisions in Public Law 19-14, sections 1-11, and codified by the Compiler. Effective date of the Act was February 26, 1988.

- § 56201. Bounty for Illegal Hookups.
- § 56202. Verification.
- § 56203. Determining Legality; Penalties.
- § 56204. Disconnection, Penalty, and Refusal of Service.
- § 56205. Responsibility of Landowners & Tenants.
- § 56206. Determination of Amount of Water Illegally Used.
- § 56207. Restricted Use of Agricultural Water.
- § 56208. Damaging or Tapping into Water or Sewer Line; Penalties.
- § 56209. Theft of Water.
- § 56210. Effective Dates; Grace Period.
- § 56211. Rules & Regulations.

§ 56201. Bounty for Reporting Illegal Hookups.

There is hereby established a bounty to be paid of Five Hundred Dollars (\$500.00) to any person who reports an illegal water or sewer hookup. If more than one person reports an illegal hookup, the bounty shall be split equally between the persons who report the illegal hookup.

§ 56202. Verification.

If any person reports more than ten (10) illegal hookups in a twelve-month period of time, he may not receive any bounty unless at least fifty percent (50%) of the reported illegal hookups are actually illegal.

§ 56203. Determining Legality; Penalties.

An illegal water hookup is any hookup to water pipes or sewer pipes belonging to the government of Guam made without the prior written permission of the Public Utilities Agency of Guam or any water hookup without a water meter belonging to the Public Utility Agency of Guam being connected. Fire hydrants used exclusively by the Government shall not be considered an illegal hookup. It shall be theft for any person to take water from a fire hydrant, except for government of Guam employees or firefighters acting in their official capacity, without the prior written permission of the Public Utility Agency of Guam. Illegal use or connection to a fireplug shall be considered an illegal connection with pipe size based on diameter of the fireplug.

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(a) Any person other than authorized Public Utility Agency of Guam personnel, or firemen in their official capacity, or persons who have written authorization from the Public Utility Agency of Guam, who knowingly and intentionally tampers with or damages fireplug water pipes or sewer pipes belonging to the Public Utility Agency of Guam with the intent to steal water or damage the system shall be guilty of a felony of the third degree, and shall be subject to a Fifteen Thousand Dollars (\$15,000) penalty payable to Public Utility Agency of Guam, in addition to all other fines, penalties and prison time allowed by law.

§ 56204. Disconnection, Penalty and Refusal of Service.

If any illegal hookup is discovered (including but not limited to illegal hookups by building contractors), water shall be disconnected at that location and may not be reinstated directly or indirectly for that lot until a penalty of not less than Twenty-Five Hundred Dollars (\$2,500) nor more than Twenty-Five Thousand Dollars (\$25,000) for illegal hookup has been paid to the Public Utility Agency of Guam. The Chief Officer of the Public Utility Agency of Guam shall formulate a penalty schedule based upon Twenty-Five Hundred Dollars (\$2,500) for illegal connection of one inch (1") diameter or less and Twenty-Five Hundred Dollars (\$2,500) per inch (1") of diameter of pipe for illegal connection into pipes more than one inch (1") up to Twenty-Five Thousand Dollars (\$25,000) maximum. The Chief Officer of the Public Utility Agency of Guam may formulate a payment schedule for said penalty for to twenty-four (24) months, to be repaid with regular water bills, at twelve percent (12%) annual interest on the unpaid balance. Any person who connects illegal to any water or sewer line may not be granted additional building permits until any such penalty is paid. The owner and tenant (if any) of any lot having an illegal water hookup shall be personally, jointly and severally liable for all penalties and estimated value of water used.

§ 56205. Responsibility of Landowners and Tenants.

It is the specific responsibility of landowners and tenants to make sure that there are no illegal hookups serving the property. It is immaterial to those who connect an illegal connection. It is the responsibility of the landowner (and tenant, if any) of any lot served by an illegal connection to correct the situation as hereinafter provided, or,

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if caught, to pay the requisite penalty and for the estimated water usage for up to four (4) years as provided in § 56206 of this Act.

§ 56206. Determination of Amount of Water Illegally Used.

In addition to the penalty, the Public Utility Agency shall determine the estimated value of the water used by the illegal water connection for a period of up to four (4) years, based upon the estimated time the illegal hookup was in place, using average consumption figures for the type of consumption of the illegal hookup system-wide for all consumers of that class of figures, taking into account usage of the premises, number of occupants or users, and size of buildings or area served by such illegal hookup. It shall be the burden of the recipient of the illegal hookup to establish that the illegal hookup was in use for less than four (4) years or that the estimated usage set forth by the Public Utility Agency of Guam is incorrect. One way to determining the time period is to check Public Utility Agency of Guam records and determine when the location last paid for water.

§ 56207. Restricted Use of Agricultural Water.

It shall be considered an illegal water hookup to interconnect a residence or a commercial business to a line which is metered for agricultural use. Any person who is receiving water at any agricultural rate may not use such water for residential or commercial purposes, or for any purpose other than agricultural use or livestock watering. On any ranch having a residence or business thereon, there shall be a residential or commercial water meter (as appropriate), in addition to a meter monitoring agricultural use. In addition to all other, penalties, violation of this Section shall also result in disconnection of all agricultural water to the offending lot for a period of eighteen (18) months, unless all fines, penalties, and water charges have been paid and proper connections have been made for residential or commercial water use.

SOURCE: P.L. 19-14:7 codified by Compiler; R/R by P.L. 19-19:21.

§ 56208. Damaging or Tapping Into Water or Sewer Line; Penalties.

The Legislature finds that illegal connecting into the water and sewer system is a hazard to the public's health. Therefore, it shall be a felony of the third degree for any person other than an employee of the Public Utility Agency of Guam acting in his official capacity to knowingly tamper with any line, valve or meter or knowingly damage or

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cut any line, valve or meter, or tap into any water or sewer line belonging to the Public Utility Agency of Guam for the purpose of taking water or dumping sewage without prior written approval of the Public Utility Agency of Guam. If any employee or agent of any Contractor knowingly taps into any water or sewer line belonging to the Public Utility Agency of Guam without prior written approval, his employer and any general contractor who may have been supervising the employee or the agent or the employer or the subcontractor shall have their contractor's licenses revoked by the Contractor's Licensing Board for eighteen (18) months if the Board finds:

(a) That one or more of the persons involved were persons employed by or were agents of the contractor or employers, and one or more of those persons knowingly tapped into water or sewer lines without prior written permission of the Public Utility Agency of Guam; or

(b) That at least one of the persons who illegally tapped into the line was acting in his capacity as a principal, officer, agent or employee of the employer or contractor.

It is immaterial if the contractor or employer had actual knowledge of the illegal hookup, if done in the course of employment.

§ 56209. Theft of Water.

In addition to all other penalties imposed by law, it shall be theft to knowingly take or use water from an illegal water hookup or for any person other than a firefighter to take water without prior written permission of the Public Utility Agency of Guam. Such theft shall be prosecuted in the same manner as any other theft, with the criminal penalties as provided by law.

§ 56210. Effective Dates; Grace Period.

Sections 56208, 56209 and 56211 of this Law shall take effect upon enactment. All other Sections of this Act shall take effect One Hundred Twenty (120) days from the date of enactment of this Act. This delay is to provide the Public Utility Agency of Guam with a grace period or amnesty, during which time the Public Utility Agency of Guam may reconnect or connect property previously served by illegal hookups without penalty. During such grace period or amnesty, the provisions of

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this Act shall be widely advertised by the Public Utility Agency of Guam.

§ 56211. Rules and Regulations.

The Chief Officer of the Public Utility Agency of Guam may promulgate rules and regulations to implement the provisions of this Act, in accordance with the Administrative Adjudication Law. The Rules and Regulations shall provide for such hearing procedures as will adequately protect rights of affected persons under the constitution of the United States and the Guam Organic Act.
