

ARTICLE 13.03 WASTEWATER UTILITY*

Division 1. Generally

Sec. 13.03.001 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms and phrases used in this article shall be as follows:

Act. The Federal Water Pollution Control Act, Public Law 92-500, known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251 et seq.

BTEX. Benzene, toluene, ethyl benzene and xylenes.

Building sewer. The extension from the building drain to the sewer lateral at the property line or other lawful place of disposal (also called lateral or house connection).

City. For the purposes of this article, the City of Oak Point, Texas, and/or the city manager or his or her duly authorized representative.

Director. The director of public works for the city or his or her duly authorized representative.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semisolid waste (i.e., grease trap waste, grit trap waste, and/or septage) into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including, but not limited to, groundwaters.

Domestic sewage. The waterborne wastes normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of stormwater and industrial wastes.

EPA (Environmental Protection Agency). The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

Floatables. Anything lighter than water that can float on top of water.

Garbage. Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food, and from handling, processing, storage, and sale of food products and produce.

Grease trap. A watertight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid and/or solid wastes into the public sewer system to which the receptacle is directly or indirectly connected.

Grease trap waste. Any greasy, fatty liquid, semi-liquid and/or solid wastes removed by a grease trap.

Grit/sand trap. A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil, grease waste and solids into the public sewer system to which the receptacle is

directly or indirectly connected.

Grit trap waste. Any petroleum-based oil, grease waste and solids removed from a grit trap.

Hazardous waste. Any liquid, semi-liquid or solid waste (or combination of wastes) which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may:

- (1) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness.
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or defined under 40 CFR part 261.3.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Industrial waste. The waterborne solids, liquids, or gaseous wastes resulting from and discharged or permitted to flow or escape from any industrial, manufacturing or food-processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

Liquid waste. Waterborne solids, liquids and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as grease trap waste, grit trap waste or septage.

Milligrams per liter (mg/l). A weight-to-volume ratio; the milligrams per liter value multiplied by the factor 8.345 is equivalent to pounds per million gallons of water.

Owner. Any person who owns a facility or any portion of a facility.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Polluted water. Any water, liquid or gaseous wastes containing any of the following:

- (1) Soluble or insoluble substances of organic or inorganic nature;
- (2) Settleable solids that may form sludge deposits;
- (3) Grease and oils;

- (4) Floating solids that may cause unsightly appearance or color;
- (5) Substances that would impart any taste or odor to the receiving stream; or
- (6) Toxic or poisonous substances.

POTW (publicly owned treatment works). A treatment works as defined by section 212 of the Act (33 U.S.C. 1292). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. For the purposes of this article, POTW shall refer to the Peninsula Wastewater Treatment Plant.

ppm (parts per million). A weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

Public sewer. A system that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface, or ground waters and other unpolluted waters are not intentionally passed, including all facilities used for collection, pumping, treating and disposing of sewage and industrial wastes, and would include sewage as well as the sewage treatment facilities.

Sewer. A pipe or conduit for carrying domestic sewage or industrial wastes.

Storm sewer. A sewer which carries stormwater and surface waters and drainage but excludes sewage and polluted industrial wastes and is not part of a publicly owned treatment works (POTW) as defined by 40 CFR 122.2.

Stormwater system. All facilities for collection, pumping, treating, disposal and discharge of stormwater, including, but not limited to, any storm sewer, street, gutter, drainage ditch, or watercourse.

TCEQ. The state commission on environmental quality and any successor agency.

To discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

TPH. Total petroleum hydrocarbon.

Trap. A device designed to skim, settle, or otherwise remove oil, grease, sand, flammable wastes or other harmful substances.

Waste. Rejected, unutilized, or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(2000 Code, sec. 11.201)

Sec. 13.03.002 Mandatory connections

The owner of each and every building situated upon any lot, tract or parcel of land within the boundaries

of the city's certificate of convenience and necessity for wastewater shall cause such building to be connected with the public sewer in accordance with the city's adequate public facilities policies, subdivision ordinance, and pro-rata ordinance. An accessory building shall not be considered as a separate building when not used for human occupancy. (2000 Code, sec. 11.202)

Sec. 13.03.003 Service prohibited to premises in violation of city ordinance

No sewer service or connection for such service shall be furnished or provided to any person engaged in the erection, construction, alteration or repair of any building or premises or any part thereof, or engaged in the excavation or the laying of the foundation for any building or premises or part thereof, where any part of such building or premises is being erected, constructed, altered or repaired in violation of any ordinance of the city. (2000 Code, sec. 11.203)

Sec. 13.03.004 Private disposal facilities

Upon adoption of this article, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage or industrial wastes, unless approval in writing by the city has been given to the person constructing or maintaining the facility. All facilities shall be permitted by the city and shall be constructed according to the city's standards. Any private facility installed prior to the adoption of this article is exempted. (2000 Code, sec. 11.204)

Sec. 13.03.005 Discharge to natural outlet

No person shall individually discharge or cause to be discharged to any natural outlet within the city or in any area under the jurisdiction of the city any domestic sewage, industrial wastes, or other polluted waters, except where such discharge is made in accordance with a valid permit from the state commission on environmental quality or EPA. (2000 Code, sec. 11.205)

Sec. 13.03.006 Prohibited discharges to stormwater system

- (a) No person may introduce into the stormwater system any pollutants or materials other than stormwater that have an adverse effect on the environment, or may endanger life, health or property or constitute a public nuisance.
- (b) Substances specifically prohibited from being discharged into the stormwater system are as follows:
 - (1) Polluted wastewater or other liquid wastes containing concrete, building materials, oil, chemicals, or other liquid industrial wastes.
 - (2) Any liquids, solids or gases, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substances which are a fire or other hazard to the system, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires or explosions or be injurious in any other way to the facilities or operation of the stormwater system.

- (3) Any non-stormwater, groundwater, or process water that is mixed or contaminated with gasoline or oil in concentrations exceeding a total BTEX limit of 0.5 ppm with a maximum allowable benzene concentration of 0.05 ppm or TPH limit of 15 ppm, tested on a weekly basis.
- (4) Any non-stormwater having a pH less than 6.5, or greater than 9.0, or any non-stormwater capable of having any other corrosive property capable of causing damage or hazard to the stormwater system.
- (5) Any free or emulsified fats, waxes, greases or oils.
- (6) Petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, transmission fluid, hydraulic fluid, brake fluid, power steering fluid, antifreeze or other household hazardous wastes.
- (7) Solid or liquid substances which may cause obstruction to the flow in storm sewers or other interference with the proper operation of the stormwater system, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids, waste paper or floatables.
- (8) Wastewater or industrial wastes generated or produced outside the city unless approval in writing from the city has been given to the person discharging the wastes.
- (9) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances are sufficient to prevent entry into the stormwater system for maintenance and repair.
- (10) Any trucked or hauled pollutants, except at discharge points permitted or authorized by the city.
- (11) Trash, junk, refuse, garbage, grass clippings, tree limbs, tree branches, leaves, brush or firewood.
- (12) Any non-stormwater containing, but not limited to, detergents, surfactants, phosphates or cleaning residues generated from commercial car washing or cleaning services.

(2000 Code, sec. 11.206)

Sec. 13.03.007 Connections between wastewater and stormwater system

In no case shall a public sewer be physically connected to the storm sewer or shall wastewater from a public sewer be discharged to the stormwater system. (2000 Code, sec. 11.207)

Sec. 13.03.008 Right of entry

Employees of the public works department shall have the authority to enter any house or premises at any reasonable time in the regular line of duty for the purpose of inspecting any sewer line for the purpose of making necessary repairs or inspecting private facilities for illegal connections or other violations. If such entry is refused, the employee shall have recourse to every remedy provided by law to secure entry. (2000 Code, sec. 11.208)

Sec. 13.03.009 Miscellaneous offenses

No person other than a regular employee or officer of the city charged with such duties shall do or aid in

doing any of the following acts:

- (1) Opening, closing, lifting or removing the cover of any public sewer manhole or cleanout plug of the city sewer system;
- (2) Interfering with, destroying, impairing, injuring or defacing any property which is a part of or essential to the proper functioning of the city sewer system;
- (3) Covering or concealing from view any public sewer manhole;
- (4) Tapping and/or otherwise connecting into an existing public sewer main that is a part of the city sewer system;
- (5) Discharging, or causing or permitting to be discharged, into a public sewer any inflows or infiltration, as illustrated by, but not limited to, stormwater, groundwater, roof runoff, subsurface drainage, a downspout, a yard drain, a yard fountain or pond, lawn spray, or missing cleanout covers.

(2000 Code, sec. 11.209)

Secs. 13.03.010–13.03.040 Reserved

Division 2. Fees and Charges

Sec. 13.03.041 Billing and collection

- (a) Utility bill. The utility bill is defined as the charge for utility services of sewer and any unpaid balance due, service charges and late charges. Utility bills are normally issued on monthly intervals. However, bills may be rendered more or less frequently at the city's option. If a customer does not receive bill(s), the obligation to make payment for services rendered is not released or diminished.
- (b) Payment. Payment for service is due when the bill is rendered. The due date for the payment of the bill for utility services shall not be less than ten business days after issuance. If payment in full is not received in the administrative services office by close of business on the due date printed on the bill, it is considered past due. Payments placed in the mail and showing a postmark on the due date will not be considered as being received on the due date. In addition, payments made through alternative sources such as telephone, drop box, or internet will be accepted according to the terms established for those services. These payment requirements will be established by the city council and available in the office of the city clerk and posted at customer access points when possible. Payments received shall be applied first to any previous balance on the customer account and then to the current charges on the customer account. Any payment received before the due date printed on the bill but not honored by the banking institution is subject to all charges, fees and collection procedures as if it was not received. In addition, the returned check charge applicable at the time will also apply.
- (c) Late charges. Utility bills that remain unpaid on the 15th calendar day after the billing date are subject to a late charge in the amount of established in [appendix A](#) to this code or ten percent of the total bill, whichever is greater. Failure to pay late charges shall cause the assessment of additional late

charges and shall constitute sufficient cause for termination of service.

(d) Termination of service for nonpayment. Failure to pay the total amount due including all previous outstanding balances by 5:00 p.m. of the 25th calendar day after the billing date shall be cause for sewer service to be terminated. Service will be resumed in a reasonable time after the customer has paid the total due, including late charges and utility service fees as set forth in [section 13.03.050](#).

(e) Notice of payment policy; disputes. A customer will be notified on his current utility statement that his service is eligible for termination if payment is not received by the terms stated on the current bill. The notice will inform the customer that he should contact the city secretary within fifteen days to present any evidence or argument concerning the statement or amount of utility services provided by the city. The customer will be required to pay any amounts not registered by the city secretary as being “under dispute” by the due date. Any items that the city secretary agrees are disputed items must be resolved within 30 days after the city secretary determines that the amount is under dispute.

(f) Adjustments because of water leak or loss. No adjustment will be made in any monthly bill because of any water leak or loss, unless otherwise stated in this article.

(g) Service meters required. Each customer maintaining a separate residence, either house or apartment, shall have a separate water service connection to the unit and the sewer utility shall be invoiced by the city individually. Multiple dwellings containing four or more units that do not have separate metering and service facilities shall be classified as commercial buildings for utility purposes and shall be billed under the applicable commercial rates. In the event a customer is not connected to the public water system, then a special billing mechanism shall be developed by the city.

(h) Notification of service change. Any customer or prospective customer of the city utility system moving into or out of a building where sewer service is or will be provided shall give a minimum of 24 hours’ notice to the administrative services office prior to the proposed date of connection or disconnection of utilities. If the customer fails to give proper notification for connection, he will be required to pay an unauthorized usage penalty and payment for services shall be prorated based on evidence provided by the customer or available to the administrative services office and the amount billed will be due and payable by the customer.

(i) Proration of bills. The billings for sewer service may be calculated on a 30-day basis and prorated higher or lower for longer or shorter billing periods respectively.

(2000 Code, sec. 11.227)

(j) Rejection of application for service. An application may be rejected if the administrative services office has a record of previous past due accounts owing by the applicant and/or any occupant therein that will receive benefit of the services provided to the service location. The city has the option of requiring these amounts to be paid in full, or transferring the amounts to the new service account after executing a short-term payment agreement and providing a down payment in accordance with [section 13.03.047](#)(b). (2000 Code, sec. 11.227; Ordinance adopting Code)

Sec. 13.03.042 Free service prohibited

No free service shall be rendered by the public sewer system to any customer. To the extent the city and its various departments use the services afforded by the public sewer system, they shall pay therefor the same rates charged other consumers. (2000 Code, sec. 11.228)

Sec. 13.03.043 Taps and connections

(a) Administrative connection fee. The administrative fee for connection to public sewer lines shall be in the amount set forth in [appendix A](#) to this code. If a sewer lateral has not been installed to the property line, all work necessary for a new tap or service line shall be charged in accordance with subsection (b) of this section.

(b) Payment of costs of installation. Fees for installation of sewer taps, service lines, and laterals shall be based on the estimated costs of making such installation, as determined by the city. Upon request of such installation, the city shall issue or cause to be issued an estimate for making the installation, including all labor, materials and equipment necessary to complete the construction. Prior to an estimate being issued, a fee in the amount set forth in [appendix A](#) to this code, along with an approved set of plans, must be submitted to the city by any person in whose name the permit is to be issued. An estimate of installation costs shall be provided to the applicant. Upon payment of 100 percent of the estimated amount, the city will schedule the construction. The applicant shall be responsible for all actual costs of installation, including those that exceed the estimated amount provided. Remittance of any refund or additional charges based on actual costs shall be required within 60 days upon completion of installation.

(c) Scope of work. For the purpose of this section, "installation of sewer taps, service lines, and laterals" shall be considered all work necessary to provide service lines to the point where the property owner can connect to the sewer system.

(d) Installation of tap. All taps into a city sewer trunk line or tap to connect to any sewer shall be made by employees of the public works department of the city or their authorized agent; provided, however, a sewer tap permit has been issued to such property by the city's building inspection division. All taps shall be made in accordance with the city's Standard Construction Detail Specifications, latest revision.

(2000 Code, sec. 11.229)

Sec. 13.03.044 Residential charges

Monthly sewer charges for residential connections to the public sewer system shall be as established in [appendix A](#) to this code. (Ordinance adopting Code)

Sec. 13.03.045 Nonresidential charges

Monthly sewer charges for nonresidential connections to the public sewer system shall be as shall be as established in [appendix A](#) to this code. (Ordinance adopting Code)

Sec. 13.03.046 Nonstandard evaporative cooling tower meters

(a) Definition. A nonstandard evaporative cooling tower shall be defined as a nonresidential

installation which does not receive supply water from a meter installed in accordance with normal and customary water company methods, but which does receive metered supply water through a source which has been previously metered according to normal and customary methods.

(b) Sewer charges. Sewer charges for nonstandard evaporative cooling tower meters shall be calculated on the basis of the nonresidential sewer charges currently in effect for the city.

(c) Separate meter required. A meter shall be installed in the water supply line for the evaporative cooling tower in a location approved, in advance, by the city. This meter shall be installed by a plumber licensed in the state in accordance with city standard specifications, and will be inspected by the city. The city reserves the right to inspect, remove, and/or replace the meter for cause, with proper notice as defined otherwise in this article. The customer shall pay the minimum plumbing permit fee based upon the current fee structure in place at the time of installation.

(d) Separate billing account required. A separate billing account must be established for the meter that supplies water to the evaporative cooling tower meter. No additional deposit will be required for the evaporative cooling tower meter.

(e) Estimate of annual volume. The customer will provide to the city, at the customer's expense, an estimate, generated from a source acceptable to the city, of the annual volume of water which is to be supplied to the evaporative cooling tower to which the meter will be connected, itemized to include a calculation of any water expected to be discharged from the evaporative cooling tower into the public sewer system.

(f) Reading of meter.

(1) The customer shall identify a responsible individual (the contact person) by name, telephone number and mailing address, who shall provide to the city, in a form acceptable to the city, a monthly reading of the meter no later than five working days following the last calendar day of each month. Should the contact person change, the customer shall notify the city of the replacement as soon as practical, but no later than the next occurring reading date.

(2) The city shall read the meter annually during the month of September. The contact person shall assist the city by locating and providing unrestricted access to the meter during normal business hours.

(3) The city reserves the right to read the meter at other times throughout the year, at the city's discretion. Should the city be unable to access the meter for any purpose, the customer will be levied a utility service fee equal to the fee described in [section 13.03.050](#) of this code for each failure.

(2000 Code, sec. 11.248)

Sec. 13.03.047 Service deposits generally; alternatives to deposit

(a) Established. A cash deposit is required of each customer account receiving sewer service. The cash deposit will be retained until termination of service by the city or satisfactory completion of deposit refund provisions of this code. A customer account deposit shall not be returned unless all outstanding

charges and fees have been paid.

(b) Residential customers. If a customer receiving residential service is required to make a deposit, the amount of the deposit shall be a minimum of \$150.00. If the customer has an unacceptable credit rating, the deposit may be as much as an amount equal to one-sixth of the last 12 months' billing at the service location or a similar location as determined by the utility representative. An alternative to the deposit is available if the customer meets one of the following criteria in subsection (c) below.

(c) Residential exemption from deposit. No service deposit will be required of an applicant for residential sewer service if the applicant can provide and qualify for one of the following:

- (1) The applicant has an acceptable credit rating for 12 consecutive months within the last two years with the city's utility service or another utility company. If the service was with another utility, the applicant must provide the city with a letter of good credit for utility services from the former utility company for verification within 20 calendar days of applying for service.
- (2) The applicant provides a cosigner who accepts responsibility and is verified to have an acceptable credit rating with the city's utility service and who is willing to be listed on the account to guarantee payment of the applicant's utility bills. This guarantee will be in effect until the applicant develops an acceptable credit rating.
- (3) The customer receives an acceptable credit rating from a credit source available to the city. The customer must pay the cost of obtaining the credit rating. This cost will be set annually within the utility rate ordinance, but will not exceed \$100.00.
- (4) The customer is 65 years of age or older and provides the city with satisfactory proof of age.
- (5) The customer is a former customer of the city utility service who closed their account in good standing if the account remains in good standing. For the purpose of this section, a customer is in good standing when they have met the criteria for good standing as set out in the utility policies and procedures manual of the administrative services office.

For purposes of this article, "acceptable credit rating" shall mean a credit rating which is based upon a commonly used formula or a formula approved by the city council.

(d) Commercial customers. In the case of commercial or industrial service, if the applicant for service is required to make a deposit, the amount of the deposit shall be a minimum of \$300.00 or an amount equal to one-sixth of the last 12 months of billing at the location where service is requested, whichever is greater. If no previous history is available for the location, a representative facility similar to the type where service is requested will be used to establish the amount of the deposit.

(e) Commercial exemption from deposit. An applicant for sewer service for a commercial entity or business may not be required to make a deposit if the applicant:

- (1) Provides the city with an acceptable commercial credit rating for the last 24 months the customer received service from the city utility service or a commercial letter of good credit from another utility

company. The period has to be within the three years prior to the date of application. The letter of commercial good credit from a former utility company must be received for verification within 20 days of applying for service. Credit references from residential utility accounts are not accepted for exemptions of commercial deposits; or

(2) If the credit of a commercial customer for service has not been established satisfactorily to the city, the applicant may provide an irrevocable letter of credit in lieu of a deposit within 20 calendar days of applying for service. The irrevocable letter of credit must be executed by a Texas bank to the satisfaction of the city manager and city attorney. The customer must maintain the irrevocable letter of credit in effect at all times. If the customer allows the irrevocable letter of credit to expire, the customer shall pay a deposit in the amount provided as listed above, or the city may terminate utility service.

If more than one account is involved, a separate deposit shall be paid for each account. Additional deposits to ensure that the city is protected from loss may be required by the customer and utility services director or designee from those commercial accounts that are habitually delinquent in the payment of their utility bill. A deposit equal to a three-month bill may be required in these cases. The city may review the deposits of commercial accounts periodically to ensure that a deposit has been collected sufficient to meet the criteria set forth in this section.

(f) How customer may lose exemption from residential sewer deposit. Failure to maintain an account in good standing shall constitute grounds to require a customer to establish or reinstate the deposit in the proper amount as determined by the city manager or his or her designee. Sewer service may be discontinued until the deposit requirements are met. The deposit requirements shall continue until the customer has reestablished good standing status.

(2000 Code, sec. 11.256)

Sec. 13.03.048 Additional deposit; credit checks

(a) Additional deposit. The city may require a customer to make an additional deposit in the event that a deposit made as specified in [section 13.03.047](#) is subsequently determined to no longer be sufficient. In no event will the amount of the deposit exceed one-sixth of the last 12 months' billing at the service location. The city may disconnect service if the customer does not remit the additional deposit within 14 calendar days of the city's request, provided a written disconnect notice has been issued. Such disconnect notice may be issued concurrently with the written request for the additional deposit. A customer may be required to pay a deposit or put down an additional deposit amount if:

- (1) The customer has been terminated from receipt of sewer service due to nonpayment of a sewer bill;
- (2) The city has determined there is evidence of a customer tampering with the city's public sewer system;
- (3) The customer has an unacceptable credit rating and the city does not have in its files a current cosigner who meets the requirements of [section 13.03.047](#)(b) or (c);

- (4) The customer has been required to pay or is paying off a utility account balance previously deemed uncollectible or is past due;
 - (5) The customer has filed a petition for relief under the applicable provisions of the United States Bankruptcy Code; or
 - (6) The customer's irrevocable letter of credit filed with the city in lieu of a deposit has expired.
- (b) Credit checks. After making application for service, the administrative services office may pursue a credit reference check. The customer will be given service promptly after application, but if the credit check shows the customer does not have an acceptable credit rating, the customer will be required to produce a cosigner or place a deposit on the account. Failure to do so will result in the discontinuance of service with no less than two days' notification given verbally or in writing to the prospective customer by the administrative services office.

(2000 Code, sec. 11.257)

Sec. 13.03.049 Refund of deposit

The city shall refund deposits to applicants and customers if one of the following events occurs:

- (1) The customer's service has been disconnected. The city shall refund the deposit plus accrued interest less any outstanding balances. A transfer of service from one service location to another shall not be deemed a disconnection and the city shall not require an additional deposit unless authorized by [section 13.03.047](#) or [section 13.03.048](#) hereof.
- (2) When the customer has paid bills for service for 12 consecutive residential billings or 24 consecutive commercial billings without having service disconnected for nonpayment of bills or tampering with the city's sewer system, and with no more than two occasions each year in which a bill was delinquent, as provided in [section 13.03.041](#), and provided the customer is not delinquent in the payment of the current bill. The city shall then, in that event, refund the deposit (plus accrued interest) to the customer in the form of a credit to the customer's account. The city may also release the customer's irrevocable letter of credit.

(2000 Code, sec. 11.258)

Sec. 13.03.050 Utility administrative service fee

- (a) There is hereby established a utility administrative service fee which shall be assessed for the following services:
- (1) Any request for transfer of service from one name to another for the same service address or from one service address to another within the city's public sewer system;
 - (2) Customer-requested modifications to the initial request for service;
 - (3) Reconnection of sewer service resulting from nonpayment of bill;
 - (4) Any other non-emergency administrative service call made at the customer's request.

(b) Utility administrative service fees are nonrefundable fees to cover the cost of providing these services. The fees are “per account” for residential services and “per meter” for commercial services. The utility administrative service fee shall be the amount provided in [appendix A](#) to this code per service provided. Utility administrative services shall be provided during normal city working hours, which are defined as Monday through Friday 8:00 a.m. to 12:00 p.m. (noon) and 1:00 p.m. to 5:00 p.m., excluding city holidays.

(c) The utility administrative service fee shall be paid by each applicant for service from the city sewer utilities at the time of submission of each request or shall be added to the customer’s account when performed. Payment shall be made to “City of Oak Point.”

(2000 Code, sec. 11.259)

Sec. 13.03.051 Other fees

(a) Miscellaneous utility fees. Miscellaneous utility fees shall be as set forth in [appendix A](#) to this code.

(b) Interest charge on past due account balance. Interest shall be assessed on any past due account balance (excluding late payment charges) that remains unpaid prior to the current month’s billing calculation. Interest shall be assessed based on the customer’s monthly billing schedule and the due date of the customer’s past due bill. The interest charge shall be due and payable on the due date of the current month’s billing. The interest charge shall be one percent per month on all past due charges and account balances unpaid at the time of the current month’s billing calculation. Under no circumstances shall the interest charge provided for herein exceed the legal rate of interest. To the extent that it does so, the charge is inadvertent, and the city intends only to assess, charge and collect such interest rate that does not exceed the highest lawful rate.

(2000 Code, sec. 11.260; Ordinance adopting Code)