

(Published in The Journal Record November 10 , 2021)

ORDINANCE NO. 26,913

AN ORDINANCE RELATING TO WATER RESOURCES, AMENDING CHAPTER 57 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING ARTICLE V. STORMWATER DRAINAGE PROGRAM, SECTION 57-130 PURPOSE, SECTION 57-131 DEFINITIONS, SECTION 57-133 STORMWATER DRAINAGE FUND, SECTION 57-134 STORMWATER CHARGE AND EXEMPTIONS, SECTION 57-136 COLLECTION OF STORMWATER CHARGE, AND BY AMENDING CHAPTER 60, RELATING TO THE GENERAL SCHEDULE OF FEES, BY AMENDING SECTION 60-57-20 STORMWATER BASE FEE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Sections 57-130, 57-131, 57-133, 57-134, and 57-136 of Article V of Chapter 57 of the Oklahoma City Municipal Code, 2020, are amended to read as follows:

CHAPTER 57

WATER RESOURCES

* * *

ARTICLE V. STORMWATER DRAINAGE PROGRAM

§ 57-130 Purpose.

It is the purpose of this article to address the mandates of the Federal Government and establish a stormwater drainage utility to promote public health, safety and welfare by providing for studying, designing, operating, construction, equipping, maintaining, acquiring and owning within the City a stormwater drainage system. ~~The establishment of a~~ A stormwater drainage system would:

- (1) meet the requirements and regulations of local, State and Federal governments, including but not limited to the NPDES permit;

- ~~(1)~~(2) reduce flood and storm losses and inconveniences from uncontrolled stormwater runoff in the City;
- ~~(2)~~(3) improve that the movement of emergency vehicles is not prohibited nor inhibited during storm or flood periods; and
- ~~(3)~~(4) preserve the City's watercourses, improve and preserve water quality, minimize water quality degradation, and otherwise facilitate urban water resource management techniques, including both the reduction of pollution and the enhancement of the urban environment, including but not limited to the NPDES permit requirements and such other requirements of the City, State and Federal Governments.

§ 57-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Commercial property* means all land and real property other than residential real property and undeveloped real ~~estate property~~.
- (2) *Department* means the Department of Public Works of The City of Oklahoma City.
- (3) *Detention facilities* means facilities designed to hold stormwater for a short period and then to release it to the natural watercourse.
- (4) *Developed real ~~estate~~ property* means all land and real property altered from its natural state by the addition to or construction of any impervious surface such that the hydrology of the property is affected or the alteration of land or real property affecting the quality, quantity, or direction of stormwater flow.
- (5) *Director* means the Director of the Department and/or the designated representative.
- (6) *Drainage basin plan* means a plan adopted by the City for managing surface and stormwater facilities and features within an individual drainage basin.
- (7) *Impervious surface* means any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an

increased rate of flow than was present under natural conditions, such as, but not limited to, roof tops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, bituminous substances or other surfaces which similarly affect the natural infiltration or runoff patterns of real property in its natural state.

- (8) *NPDES permit* means the National Pollutant Discharge Elimination System permit issued to the City by the United States Environmental Protection Agency and any addition or amendment thereto.
- (9) *Residential property* means any land, tract, lot or parcel designed and used principally for the purpose of one residential single-family house or one duplex, developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set forth in the Oklahoma City Municipal Code at the time of the development of such property. However, multiple residential single-family housing or multiple duplexes or any combination thereof on one tract, lot or parcel shall not be deemed residential property.
- (10) *Retention facilities* means facilities designed to hold stormwater for a sufficient length of time to provide for it to be consumed by evaporation, infiltration into the immediate soil or other natural means.
- (11) *Stormwater charge* means the fees levied within the boundaries of the City for the use or benefit of the City's stormwater drainage system ~~and facilities~~, and ~~shall~~ may include a stormwater base fee and stormwater utility ~~discharge~~ fee. The stormwater ~~base fees~~ are ~~is hereby established~~ to meet the requirements and regulations of local, State and Federal Governments, including but not limited to the NPDES permit. ~~The stormwater discharge fee is hereby established to develop a stormwater utility, to development and to maintain a stormwater drainage system.~~
- (12) *Stormwater drainage system* means any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling stormwater wherever located, including, but not limited to,

storm sewers, curbs, street drains, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private.

(13) Stormwater Drainage Utility means the system of providing certain stormwater and/or drainage services, as each is defined by the City as service provider, for which a fee is charged to users and those benefiting therefrom and to those to which such services are made available.

~~(13)~~(14) *Stormwater management program or program* means an overall strategy and framework for the stormwater management activities of the City.

~~(14)~~ (15) *Stormwater runoff* means that portion of the rainfall that is drained into the stormwater drainage system.

~~(15)~~ (16) *Undeveloped real estate property* means land or real estate property unaltered by the construction or addition of any impervious surface which would change or affect the hydrology of the property from its natural state.

~~(16)~~ (17) *User* means the occupant, the owner of the land or real estate property, the owner of any impervious surface or improvement and/or other person or entity benefiting from the stormwater drainage system ~~and facilities~~.

* * *

§ 57-133. Stormwater drainage fund.

- (a) A special fund or funds shall be maintained for the purpose of identifying and controlling all revenues and expenses attributable to stormwater charges. All stormwater charges and all loans, grants or funds received for the administration, operation, construction and improvement of the stormwater drainage system ~~and facilities~~ shall be deposited in such fund or funds. Disbursements for costs of data collection, planning, designing, engineering, policing, constructing, maintaining, operating, and improving drainage services ~~and facilities~~ and any other activity provided for by this ordinance shall be made from the appropriate fund or funds.

- (b) A special Stormwater Management Enterprise Fund shall be established to receive all stormwater charges for the use of the City's stormwater drainage system ~~and facilities~~ and to meet applicable local, State and Federal regulations, including but not limited to the NPDES permit.
- (c) Expenditures and disbursements from the Stormwater Management Enterprise Fund shall be at the direction and discretion of the City Council.

§ 57-134. Stormwater charge and exemptions.

- (a) There is hereby established stormwater charges for the use and benefit of the City's stormwater drainage system ~~and facilities~~ and to meet applicable local, State and Federal regulations, including but not limited to the NPDES permit at schedule of charges hereinafter established in Chapter 60, the General Schedule of Fees and for operations, maintenance, and capital plans and improvements; provided, however, the stormwater charges shall not be imposed on the following types of property: (1) City, State and Federal roads, bridges, highways, streets, rights-of-way; (2) City parks, City buildings, City facilities and open spaces owned or operated by the City; or (3) undeveloped parcels of land.
- (b) All proceeds from the stormwater charges established herein shall be deposited to the Stormwater Management Enterprise Fund established in Section [57-133] of this Chapter.

* * *

§ 57-136. Collection of stormwater charge.

- (a) The stormwater charges herein established for the use of the City's stormwater drainage system ~~and facilities~~ shall be billed monthly to each user. The stormwater charges may be billed along with a bill for water or other utility services. The deposit requirement, late charges and penalties as are now or may hereinafter be established for water service bills shall also apply to stormwater charges. In the event that any person, firm or corporation shall tender as payment of water service, sewer service, collection of solid waste service and/or service charge for the use of the City's stormwater drainage system an amount

insufficient to pay in full all of the charges so billed, payment shall be credited proportionately among all charges.

- (b) The provision for collection provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

* * *

SECTION 2. That Section 60-57-20 of Title 57 of Chapter 60 of the Oklahoma City Municipal Code, 2020, is hereby adopted to read as follows:

CHAPTER 60 GENERAL SCHEDULE OF FEES

TITLE 57 WATER RESOURCES

* * *

§ 60-57-20. - Stormwater ~~base fee charge.~~

	Effective- July 1, 2010	Effective- July 1, 2011	Effective- July 1, 2012	Effective- July 1, 2013	Effective July 1, 2014 and <u>thereafter</u>
each residential property, per month	\$4.50	\$5.06	\$5.32	\$5.53	\$5.69
each commercial property per month for each <u>domestic water meter</u> :					
meter $\frac{3}{4}$ " or less	4.50	5.06	5.32	5.53	5.69
one" meter	5.12	5.76	6.05	6.29	6.48
for each 1½" meter	16.14	18.16	19.07	19.83	20.43
for each two" meter	21.92	24.65	25.89	26.92	27.73
for each three" meter	41.57	46.76	49.10	51.07	52.60
for each four" meter	68.12	76.63	80.47	83.68	86.19
for each six" meter	132.14	148.66	156.09	162.34	167.21
for each eight" meter	219.30	246.71	259.04	269.41	277.49
for each ten" meter	334.73	376.57	395.40	411.22	423.56
for each meter 16" and larger	520.74	585.83	615.12	639.73	658.92

INTRODUCED AND READ in an open meeting of the Council of the City of Oklahoma City this 12th day of October, 2021.

PASSED by the Council of the City of Oklahoma City this 9th day of November, 2021.

SIGNED by the Mayor of the City of Oklahoma City this 9th day of November, 2021.

ATTEST

Amy Simpson
CITY CLERK

s/b David Holt
MAYOR