

TITLE 11-A

STORMWATER MANAGEMENT AND HAZARD MITIGATION PROGRAM

- CHAPTER 1. STORMWATER MANAGEMENT AND HAZARD MITIGATION PROGRAM**
- CHAPTER 2. STORMWATER DRAINAGE SYSTEM SERVICE CHARGE**
- CHAPTER 3. WATERSHED DEVELOPMENT REGULATIONS**
- CHAPTER 4. PUBLIC INVOLVEMENT PROCESS**
- CHAPTER 5. POLLUTION**

CHAPTER 1

STORMWATER MANAGEMENT AND HAZARD MITIGATION PROGRAM

- Section 100. Findings of Fact.
- Section 101. Purpose.
- Section 102. Definitions.
- Section 103. Duties of the Director of Public Works.
- Section 104. Stormwater Drainage and Hazard Mitigation Advisory Board.
- Section 105. Purposes and Duties of Stormwater Drainage and Hazard Mitigation Advisory Board.
- Section 106. Meetings of Stormwater Drainage and Hazard Mitigation Advisory Board.
- Section 107. Hazards to be Considered.
- Section 108. Municipal Personnel and Agencies to Assist.
- Section 109. Cooperation with Others.
- Section 110. Stormwater Drainage Fund.

SECTION 100. FINDINGS OF FACT

The City of Tulsa makes the following findings of fact:

- A. Because of its physical terrain and geographical location, the City is particularly subject to damage from stormwaters which, from time to time, overflow from existing watercourses and drainage facilities;
- B. The presently existing stormwater drainage facilities of the City require continuous operation, maintenance, renewal and replacement;
- C. A comprehensive approach to managing stormwater runoff is required to address existing and future needs;
- D. Previous regulations addressing drainage requirements for new land development must be replaced by a comprehensive approach; and

E. Natural and manmade hazards exist and present a threat to the City.
Ord. Nos. 17285, 21661

SECTION 101. PURPOSE

It is the purpose of this chapter to promote public health, safety and welfare by providing for operating, constructing, equipping, maintaining, acquiring and owning within the City a stormwater drainage system and hazard mitigation program. The establishment of a stormwater drainage system and hazard mitigation program will:

A. Minimize flood and storm losses and inconveniences from uncontrolled stormwater run-off in the City;

B. Assure that the movement of emergency vehicles is not prohibited nor inhibited during storm or flood periods;

C. Preserve the City's watercourses, improve and preserve purity of water, 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; and

D. Mitigate other natural and manmade hazards.
Ord. Nos. 17285, 21661

SECTION 102. DEFINITIONS

Unless otherwise provided in this title, for the purposes of this title, the following words and phrases shall have the meanings given herein.

A. **Department** means the Public Works Department of the City of Tulsa.

B. **Director** means the duly appointed Director of the Public Works Department of the City of Tulsa and/or his designated representative.

C. **Stormwater Management and Hazard Mitigation Program** means the overall strategy and framework for the stormwater management and hazard mitigation activities of the City.

D. **Stormwater Run-off** means that portion of the rainfall that is drained into the stormwater drainage system.

E. **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, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private.

Ord. Nos. 17285, 21661

SECTION 103. DUTIES OF THE DIRECTOR OF PUBLIC WORKS

The Director shall exercise all lawful powers necessary and appropriate to administer the City of Tulsa's Stormwater Management and Hazard Mitigation Program.

The Director shall have the authority to:

A. Develop and administer all phases of a comprehensive program of stormwater management and hazard mitigation, including planning, designing, establishing, acquiring, constructing, developing, installing, administering, maintaining, operating, improving, repairing, replacing and reconstructing the stormwater drainage system of the City; and planning for the mitigation of natural and manmade hazards;

B. Administer the accounting, budgeting, record keeping, and support personnel necessary for the efficient operation of the stormwater management and hazard mitigation program;

C. Administer the regulations contained in this title;

D. Perform studies and analyses required to establish or modify the stormwater management and hazard mitigation program;

E. Provide for public information and awareness that will improve stormwater management and hazard mitigation and reduce hazards to life and property;

F. Establish a flood alert and early warning system as a joint effort with emergency response agencies;

G. Coordinate enforcement of the regulations contained in this title with other City departments; and

H. Seek the cooperation of counties and municipalities within the area in minimizing the contribution of all storm drainage systems to flooding and, in particular, cooperate with other affected political jurisdictions in preparing and implementing master drainage plans and hazard mitigation plans.

Ord. Nos. 17285, 21661

SECTION 104. STORMWATER DRAINAGE AND HAZARD MITIGATION ADVISORY BOARD

The City of Tulsa's current Stormwater Drainage Advisory Board is hereby reconstituted and renamed the Stormwater Drainage and Hazard Mitigation Advisory Board (the "Board"), with the same members, and additional duties as set forth below. The Board shall comprise five (5) members appointed by the Mayor, subject to confirmation by the Council, for terms of five (5) years from and after their appointment. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Mayor by appointment for the unexpired term, subject to confirmation by the Council. The Board shall elect its officers from its membership.

Ord. Nos. 17285, 21661

SECTION 105. PURPOSES AND DUTIES OF STORMWATER DRAINAGE AND HAZARD MITIGATION ADVISORY BOARD

The purposes and duties of the City of Tulsa Stormwater Drainage and Hazard Mitigation Advisory Board are:

- A. To provide policy guidance to the Mayor, to City departments, to associated entities, and to the public;
- B. To coordinate and share information between the public, City departments, and other entities on flooding, stormwater drainage, and other hazards in the City;
- C. To cause studies to be made of matters concerning stormwater drainage and other hazards; and to recommend to the Mayor, City departments, associated entities, and the public a comprehensive stormwater management and hazard mitigation program;
- D. To propose cooperative studies and plans for coordinated stormwater drainage and hazard mitigation services in the City and surrounding areas;
- E. To recommend from time to time to the Mayor, City departments, associated entities, and the public, policies for establishing new kinds of stormwater drainage and hazard mitigation services, preserving and expanding existing services and making changes in services for the benefit of the public;
- F. To hear and consider applications for variances and appeals from decisions of the Director as provided herein; and

G. To review the City of Tulsa's plans for hazard and disaster preparedness, mitigation, response and recovery, for both natural and manmade hazards and disasters.
Ord. No. 21661

SECTION 106. MEETINGS OF STORMWATER DRAINAGE AND HAZARD MITIGATION ADVISORY BOARD

The Stormwater Drainage and Hazard Mitigation Advisory Board shall hold regular meetings, in accordance with the Oklahoma Open Meeting Act (25 O.S., §§ 301, *et seq.*). The Board may establish convenient rules for the conduct of its meetings.
Ord. No. 21661

SECTION 107. HAZARDS TO BE CONSIDERED

The Stormwater Drainage and Hazard Mitigation Advisory Board's attentions shall include, but not be limited to:

- dam failure
- drought
- earthquake
- expansive soils
- extreme heat
- floods
- hail storm
- hazardous material event
- high winds
- levee failure
- lightning
- severe winter storm
- terrorism
- tornado
- transportation event
- urban fires
- wildfire
- other natural or man-made disasters.

Ord. No. 21661

SECTION 108. MUNICIPAL PERSONNEL AND AGENCIES TO ASSIST

The facilities, personnel, and agencies of the municipal government are directed to be made available to the Stormwater Drainage and Hazard Mitigation Advisory Board, and at all times such personnel, agencies, and officers shall cooperate with the Board to accomplish the objectives and purposes herein set forth. The Board shall, at

its first meeting, prepare a list of needed personnel and agencies, and shall from time to time review and update the list and add or delete personnel and agencies.

Ord. No. 21661

SECTION 109. COOPERATION WITH OTHERS

The Stormwater Drainage and Hazard Mitigation Advisory Board shall:

A. Work closely with the Mayor and City Council, and with City staff and other boards, commissions, authorities, and committees of the City of Tulsa;

B. Coordinate efforts and communicate with public safety officials; emergency responders; and federal, state, regional, county, and local public health and safety and law enforcement authorities;

C. Stay apprised of, and share appropriate public safety information with, members of the public, civic organizations, news media, and neighborhood groups.

Ord. No. 21661

SECTION 110. STORMWATER DRAINAGE AND HAZARD MITIGATION FUNDS

A. A special fund or funds, shall be maintained for the purpose of identifying and controlling all revenues and expenses attributable to stormwater drainage or hazard mitigation services. All loans, grants or funds received for the administration, operation, construction and improvement of stormwater drainage or hazard mitigation services shall be deposited into such fund or funds. Disbursements for costs of data collection, planning, maintaining, operating, and improving drainage or hazard mitigation services and facilities shall be made from the appropriate fund or funds.

B. A special Stormwater Management Enterprise Fund shall be established to receive all service charges for the use of the City's stormwater drainage system.

C. A special Hazard Mitigation Fund shall be established to receive all monies for hazard mitigation.

Ord. Nos. 17285, 21661

CHAPTER 2

STORMWATER DRAINAGE SYSTEM SERVICE CHARGE

- Section 200. Definitions.
- Section 201. Service Charge and Exemptions.
- Section 202. Rate Schedule.
- Section 203. Collection of Service Charge.
- Section 204. Adjustments of Charge, Appeal.

SECTION 200. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

- A. **City** shall mean the City of Tulsa.
- B. **Developed real estate** shall mean 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.
- C. **Equivalent service unit** shall mean two thousand six hundred fifty (2,650) square feet of impervious surface.
- D. **Impervious surface** shall mean 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 rooftops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or run-off patterns of real property in its natural state.
- E. **Drainage Basin Plan** shall mean the plan adopted by the City for managing surface and stormwater facilities and features within an individual drainage basin.
- F. **Service charge** shall mean the fee levied within the boundaries of the City for the use of the City's stormwater drainage facilities.
- G. **Undeveloped real estate** shall mean real estate unaltered by the construction or addition of any impervious surface which would change the hydrology of the property from its natural state.

H. **Retention or detention facilities** shall mean facilities designed to hold stormwater for a short period and then to release it to the natural watercourse or to hold stormwater for a sufficient length of time to provide for it to be consumed by evaporation, infiltration into the soil or other natural means.

I. **Residential property** shall mean any property designed and used principally for residential single-family or duplex purposes and developed according to and meeting the bulk and area requirements for residential single-family or duplex zoned property as set forth in the Tulsa Zoning Code at the time of development of such property.

Ord. Nos. 16589, 17285

SECTION 201. SERVICE CHARGE AND EXEMPTIONS

A. There is hereby established a service charge for the use of the City's stormwater drainage system at rates hereinafter established; provided, however, that the service charge shall not be imposed on the following types of property:

1. City streets, rights-of-way, parks and open space;
2. State of Oklahoma highway rights-of-way;
3. Railroad rights-of-way; or
4. Undeveloped parcels of land.

B. All proceeds from the service charge established herein shall be deposited to the Stormwater Management Enterprises Fund established in Chapter 1 of this title.

Ord. Nos. 16589, 17285

SECTION 202. RATE SCHEDULE

The monthly service charge rate shall be established at Four and 79/100 Dollars (\$4.79) for each Equivalent Service Unit assigned to a lot, tract, or parcel of real estate as provided in this section.

A. **Residential Property.** Residential property within the corporate limits of the City shall be assigned one Equivalent Service Unit for each developed lot, tract, or parcel of record with the County Clerk, the resulting service charge being Four and 79/100 Dollars (\$4.79) for each such lot, tract, or parcel. However, in the case of duplex development with two (2) dwelling units on the same lot, tract or parcel, a service charge of Four and 79/100 Dollars (\$4.79) shall be made to each dwelling unit.

Title 11-A

B. **All Other Real Estate.** The impervious surface of all other lots, tracts, or parcels of developed real estate within the corporate limits of the City shall be measured to determine the equivalent service units to be assigned to such lots, tracts or parcels. The service charge shall be Four and 79/100 Dollars (\$4.79) for each Equivalent Service Unit or portion of an Equivalent Service Unit.

C. **Operative Date.** The rates established in this section shall become operative on October 1, 2007, for all billing areas provided for in Title 11-C, Tulsa Revised Ordinances, Chapter 9, Section 900, with a "service from date" on or after October 1, 2007.

D. **Credit for Private Maintenance of Detention Facilities.** Any property that is directly served by an approved on-site detention or retention facility may apply for and receive an adjustment in annual service charges for use of the City's stormwater drainage system. The Director shall adjust the service charge for such properties according to the mitigative effect of the facility on annual maintenance and operation costs, provided that:

1. The owner remains responsible for all costs of proper operation and maintenance of the facility;
2. The facility was constructed in compliance with City Drainage Standards; and
3. The owner obtained the proper permits from the City.

E. **Inspection.** The Director shall have the right to inspect the on-site facility at any reasonable time to determine if it is in compliance with the approved design and is capable of functioning properly. If the facility's performance might be affected because it fails to meet the proper operating standards, has been altered, or is in disrepair, the property owner shall pay the monthly service charge at the normal rate without benefit of reduction. Any property with an on-site detention facility which is maintained by the Public Works Department shall be charged normal annual service charge rates.

Ord. Nos. 16589, 17285, 17737, 17957, 18220, 18728, 19291, 19869, 20606, 21316, 21575

SECTION 203. COLLECTION OF SERVICE CHARGE

The service charges herein established for the use of the City's stormwater drainage system shall be billed to each user monthly, along with a bill for water or other utility services and such penalties as are now or may hereafter be established for water service bills, and shall carry the same due date as now or may hereafter be established for water service bills. In the event any person, firm, or corporation shall tender as

payment of water service, Medical Service Program, sanitary sewer nuisance abatement fees, sanitary 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, credit shall be given first to the charges for deposit, second to the service charge for the use of the City's stormwater drainage system, third to the charges for collection of solid waste, fourth to the charge for sanitary sewer service, fifth to any sanitary sewer nuisance abatement fees, sixth to the charge for the Medical Service Program, seventh to the charges for water service, and lastly to fees and penalties. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

In the event any utility account shall become delinquent, water service may be terminated by the City until all delinquent charges shall be paid in full. The provisions for collection of charges provided herein shall be in addition to any rights or remedies which the City may have under the laws of the state of Oklahoma.

In the case of users of real estate who are not billed for water, sanitary sewer, or collection of solid waste, the owner of the real estate or agent of the owner shall be billed monthly for the service charges herein established.

The invalidity of any provision, clause, or portion of this section or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this section or the validity of its application to other persons or circumstances.

Ord. Nos. 16589, 17285, 20386, 21525

SECTION 204. ADJUSTMENTS OF CHARGE, APPEAL

Any person who considers the charges applicable to his parcel to be inaccurate or erroneous may request review thereof by the Director. The determination by the Director may be appealed to the Stormwater Drainage Advisory Board by written notice of appeal filed with the Director within ten (10) days of the Director's determination. The decision of the Board may be appealed to the governing body of the City by such person or by the Director by written notice of appeal filed with the City Clerk within ten (10) days of decision by the Board.

Ord. Nos. 16589, 17285

CHAPTER 3

WATERSHED DEVELOPMENT REGULATIONS

- Section 300. Purpose.
- Section 301. Scope and Definitions.
- Section 302. Watershed Development Permits.
- Section 303. Subdivision Plats, Re-plats, Lot-splits and Building Permit Approval.
- Section 304. Policies and Standards for Approval of Watershed Development Permits, Subdivision Plats, Lot Splits, and Building Permits.
- Section 305. Responsibilities of the Director of Public Works.
- Section 306. Administrative Procedures.
- Section 307. Enforcement and Penalties.
- Section 308. Warning and Disclaimer of Liability.

SECTION 300. PURPOSE

To protect the general health, safety, and welfare of the residents of the City of Tulsa from the hazards and danger of stormwater run-off, the City shall:

A. Regulate the methods for handling and disposing of stormwater run-off in the watersheds of the jurisdictional area of the City and further regulate the design, construction and maintenance of the stormwater drainage system;

B. Regulate the development, excavation, grading, regrading, paving, landfilling, berming and diking of land within the watersheds of the City;

C. Regulate development within flood plains in order to assure that development is not dangerous to health, safety or property due to stormwater run-off, and does not increase flood heights or velocities, and to comply with the regulations of the National Flood Insurance Program;

D. Inform individuals of lands which are identified as subject to hazard from the regulatory flood; and

E. Regulate the connection to and use of the stormwater drainage system.

SECTION 301. SCOPE AND DEFINITIONS

A. **Scope.** The provisions of this chapter shall apply to and be binding upon every person, firm, agency, institution or corporation, and every entity which seeks to develop, redevelop, grade, regrade, excavate, landfill, berm or dike land subject to the jurisdiction of the City.

B. **Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings given herein.

1. **Alter or Alteration of a Watercourse** means any change to the stormwater drainage system or to the land surface which changes the conveyance capacity of the stormwater drainage system.

2. **Appeal** means a request for a review of the Director's interpretation of any provision of this chapter or a request for a variance.

3. **Area of Shallow Flooding** means a designated AO, AH, or VO zone on the City's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

4. **Area of Special Flood Hazard** is the land in the flood plain within the City subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V. (See Flood Hazard Area)

5. **Base Flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year and is the regulatory flood.

6. **City Drainage Standards** are the criteria, standards and specifications for stormwater drainage, earth change and flood plain development adopted by the City by resolution.

7. **Critical Feature** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

8. **Detention** means the temporary storage and controlled release of stormwater run-off.

9. **Detention Facility** means a facility that provides temporary storage of stormwater run-off and controlled release of this run-off.

10. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, berming, diking, excavating, or drilling operations.

11. **Earth Change** means excavating, grading, regrading, landfilling, berming, or diking of land within the City.

12. **Elevated Building** means a non-basement building:

a. built, in the case of a building in Zones A 1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V 1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A 1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V 1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

13. **Existing Construction or Existing Structures** means, for the purpose of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.

14. **Federal Emergency Management Agency (FEMA)** means the federal agency responsible for administering the National Flood Insurance Program.

15. **Flood or Flooding** means a general and temporary condition for partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters, or
 - b. the unusual and rapid accumulation or run-off of surface waters from any source.
16. **Flood Hazard Area** means an area of special flood hazard.
17. **Flood Insurance Rate Map (FIRM)** means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
18. **Flood Insurance Study** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.
19. **Flood Plain** means any land area susceptible to being inundated by water from any source. (See definition of flooding.)
20. **Flood Protection System** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.
21. **Floodway** is that portion of the flood hazard area identified by the Federal Emergency Management Agency as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the regulatory flood without cumulatively increasing the water surface elevation more than one (1) foot.
22. **Full Development/Full Urbanization** is full potential urbanization of the contributing watershed considering the Comprehensive Plan and land use regulations.
23. **Full Development Flood Fringe** is that portion of the flood plain area between the outer boundary of the flood plain and the outer boundary of the flood hazard area. This area reflects the effects of full development of the watershed and extends to where the contributory drainage area is forty (40) acres or more.
24. **Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and

Title 11-A

unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

25. **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

26. **Levee** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

27. **Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

28. **Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

29. **Manufactured Home** means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, or other similar vehicles.

30. **Mean Sea Level** means the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations are shown.

31. **Natural State** means the cover and topography of land before any development or, in areas where there has already been development, the state of the area and topography of land on the date of December 22, 1977.

32. **New Construction** means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the City.

33. **One Hundred Year Frequency Rainstorm** is the rainstorm having an average statistical frequency of occurrence in the order of once in one hundred (100) years, although the rainstorm may actually occur in any year.

34. **Regulatory Flood** is the flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

35. **Regulatory Flood Plain** is the area subject to flooding by the regulatory flood based on the full development of the watershed and where the contributing drainage area is forty (40) acres or more as designated by the City.

36. **Sedimentation Facilities** include debris basins, sedimentation traps, berms, interceptor ditches, land terraces, hay bales and vegetation ground cover.

37. **Start of Construction** includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction or a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

38. **Stormwater Drainage Advisory Board** is the Advisory Board established in Chapter 1 of this title.

39. **Stormwater Technical Advisory Group** is the Technical Advisory Group established by the Stormwater Drainage Advisory Board for the purpose of reviewing and recommending to the Stormwater Drainage Advisory Board on issues pertaining to drainage standards, Watershed Development Permit appeals and requests for variances.

40. **Stormwater Run-Off** is that portion of the rainfall that is drained into the stormwater drainage system.

41. **Structure** means a walled and roofed building that is principally above ground, including a gas or liquid storage tank, as well as a manufactured home.

42. **Substantial Improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building

commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alterations of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

43. **Variance** means a grant of relief to a person from the requirements herein when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulation.)

44. **Violation** means the failure of a structure or other development to be in full compliance with the City's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of the compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Program regulations is presumed to be in violation until such time as that documentation is provided.

45. **Watercourse** means any depression serving to give direction to a current of stormwater where the drainage area above the same is five (5) acres or more.

46. **Watershed** means the physical area from which water drains into a creek.

47. **Water Surface Elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
Ord. Nos. 16959, 17285

SECTION 302. WATERSHED DEVELOPMENT PERMITS

A. **Watershed Development Permits.** Unless specifically exempted, a Watershed Development Permit, as required by this chapter, shall be obtained prior to the commencement of any development, redevelopment, building, excavating, grading, regrading, paving, landfilling, berming or diking of any property within the City.

B. **Permit Classification and Requirements.** Watershed Development Permit requirements shall be determined by the magnitude of the effects the proposed development could have on the stormwater drainage system in accordance with the following classifications.

1. **Floodway Watershed Development Permit (FW).** A Floodway Watershed Development Permit shall be obtained prior to any development or earth change where the same is located in the floodway.

2. **Flood Plain Watershed Development Permit (FP).** A Flood Plain Watershed Development Permit shall be obtained prior to any development or earth change where the same is located in the regulatory flood plain.

3. **Stormwater Drainage Watershed Development Permit (SD).** A Stormwater Drainage Watershed Development Permit shall be obtained prior to any development whose discharge at the point it leaves the site is greater than that which can be conveyed in a fifteen (15) inch diameter conduit.

4. **Stormwater Connection Watershed Development Permit (SC).** All other development being more than an earth change and not exempted herein shall be required to obtain a Stormwater Connection Watershed Development Permit.

5. **Earth Change Watershed Development Permit (EC).** An Earth Change Watershed Development Permit shall be obtained prior to any earth change.

C. **Exemptions.** A Watershed Development Permit shall not be required for the following activities:

1. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground in the City and which meet the requirement of the Zoning Code of the City of Tulsa;

2. Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require a zoning use exception, a zoning minor variance or a building permit, and which does not affect stormwater drainage entering or leaving any public right-of-way;

3. Earth change that does not exceed forty three thousand five hundred sixty (43,560) square feet (one acre) in size; provided, however, that this exemption is not applicable to:

a. such activities, regardless of size, located within a regulatory flood plain, or

b. such activities, regardless of size, when any natural or man-made watercourse is involved;

4. Development or improvements on one-family and two-family residential properties at residential single-family or duplex density under the Zoning Code, provided that the activity is not located in a floodway or a regulatory flood plain, and further provided that the activity does not alter a watercourse;

5. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property, and which are made under such circumstances where it would be impossible or impracticable to obtain a Watershed Development Permit;

6. Temporary excavation for the purpose of repairing or maintaining any public street, public utility facility or any service lines related thereto; and

7. Routine maintenance of the stormwater drainage system that does not alter the initial design capacity of an improved drainage system or does not alter the conveyance capacity of a natural channel that is in a well-maintained condition.

D. Application for Watershed Development Permit.

1. **General Requirements.** Applications for a development permit required under this section shall be submitted to the Public Works Department and shall be accompanied by a development site plan. The Director shall review the information furnished by the applicant and determine whether a Floodway Watershed Development Permit (FW), Flood Plain Watershed Development Permit (FP), Stormwater Drainage Watershed Development Permit (SD), Stormwater Connection Watershed Development Permit (SC) or an Earth Change Watershed Development Permit (EC) is required or whether the activity is exempt.

2. **Permit Application.** The application and development site plan shall contain such information as required in City Drainage Standards.

3. **Inactive Permit Application Denial.** Failure of an applicant to provide all the information required by the Public Works Department within sixty (60) days of receipt by the applicant of the request for the information shall result in the application's being denied unless an extension is granted in writing by the Public Works Department.
Ord. Nos. 16959, 17285

SECTION 303. SUBDIVISION PLATS, RE-PLATS, LOT-SPLITS AND BUILDING PERMIT APPROVAL

All subdivision plats, re-plats, lot-splits and building permits shall be approved by the Public Works Department. The review and approval of any plat, re-plat, lot-split or building permit by the Public Works Department shall require the submittal and

acceptance of drainage plans as required in City Drainage Standards or in the Plumbing Code.

Ord. Nos. 16959, 17285

SECTION 304. POLICIES AND STANDARDS FOR APPROVAL OF WATERSHED DEVELOPMENT PERMITS, SUBDIVISION PLATS, LOT-SPLITS AND BUILDING PERMITS

A. General Policies. The issuance of Watershed Development Permits and approval of subdivision plats, lot-splits and building permits shall be governed by the following general policies of the City:

1. The development shall not create a public hazard upon any property within the City or in immediately adjacent areas through the obstruction, impairment, sedimentation, blockage or alteration of the stormwater drainage system;

2. The development shall provide a sufficient stormwater drainage system for the conveyance of stormwater run-off received from upstream and from the subject property in a one hundred (100) year frequency rainstorm with due allowance having been made for full urbanization of the watershed when the quantity of stormwater may be increased; and

3. The development shall not result in additional identifiable adverse flooding of other property.

B. Specific Policies and Standards. The decision to deny a Watershed Development Permit or to reject drainage plans for a subdivision plat, lot-split or building permit shall be accompanied by a statement of the reasons for such action. A development permit shall be issued if, upon review of the application therefor, it is found that the development meets and complies with the policies and standards hereinafter set out and duly adopted by the City by resolution.

C. Drainage Policies and Standards.

1. Policies.

a. The stormwater drainage system shall be designed to pass the stormwater run-off received from upstream and from the subject property in a one hundred (100) year frequency rainstorm under full urbanization.

b. Development shall be constructed so that it will not increase the frequency of flooding or the depth of inundation of structures.

c. Peak flows shall not be increased at any location for any storm, up to and including the one hundred (100) year storm, which will result in the inundation of unprotected structures not previously subject to inundation as a result of that same frequency storm.

d. Regulation of peak flows to allowable levels, as determined by subparagraphs (b) and (c) herein, shall be achieved by on-site or off-site storage as provided in the City Drainage Standards.

e. Subject to requirements for Watershed Development Permits and of the City Drainage Standards, downstream conveyance may be improved to compensate for increased flows if such improvements comply with the policies of this chapter.

f. Dumping of any material into the stormwater drainage system is prohibited.

2. Standards.

a. The Director shall prepare standards for stormwater drainage facilities which shall become City Drainage Standards after approval by resolution by the governing body of the City.

b. All roofs, paved areas, yards, courts and courtyards, other than for one-family or two-family residential structures, shall drain into a separate storm sewer system or to an approved place of disposal.

c. In the case of one-family and two-family residential structures, stormwater may be discharged onto flat areas such as streets or lawns if drainage is provided so that the stormwater will flow away from the building.

D. Erosion and Sediment Control Policies and Standards.

1. Policies.

a. All developments shall be designed, constructed and completed in a manner which minimizes the exposure of bare earth to precipitation.

b. Development shall be constructed only if appropriate sedimentation facilities are installed and maintained throughout the construction period.

2. **Standards.** The policies governing watershed development, as it affects erosion and sediment control, shall be implemented by City Drainage Standards which shall specifically regulate the design, installation, maintenance and removal of sedimentation and erosion control facilities and structures and shall establish acceptable methods and practices for controlling soil sedimentation and erosion.

E. **Regulatory Flood Plain Area Policies and Standards.** The Director shall, from time to time, prepare maps defining the one hundred (100) year, fully urbanized flood plains within the City. When adopted as official Regulatory Flood Plain Maps by the governing body of the City, the maps shall be made available to the public.

The provisions of this subsection shall apply to development within the identified regulatory flood plain areas graphically shown by the maps adopted by the City of Tulsa Resolution No. 13729, dated December 22, 1977, and amendments thereto.

1. **Regulatory Flood Plain Area Policies.**

a. Development which is dangerous to health, safety or property in times of flood or which would cause excessive increases in flood heights or velocities shall be restricted or prohibited.

b. Uses vulnerable to floods, including facilities which serve such uses, shall be protected against flood damage at the time of initial construction.

c. The alteration of natural flood plains, stream channels and watercourses shall be controlled.

d. Filling, grading, dredging and other development which may increase flood damage shall be controlled.

e. The construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands in and outside the City shall be prevented or regulated.

f. The approval or denial of a Floodway Watershed Development Permit or a Flood Plain Watershed Development Permit by the Director shall be based on the provisions of this chapter and the following relevant factors:

- (1) the danger to life and property due to flooding or erosion damage;

- (2) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) the danger that materials may be swept onto other lands to the injury of others;
- (4) the compatibility of the proposed use with existing and anticipated development;
- (5) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) the costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) the expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
- (8) the availability of alternative locations not subject to flooding or erosion damage for the proposed use; and
- (9) the relationship of the proposed use to the comprehensive plan for that area.

2. Regulatory Flood Plain Area Standards.

a. General Requirements within Regulatory Flood Plain Areas.

- (1) All new construction and substantial improvements including placement of prefabricated buildings and manufactured homes shall be designed (or modified) and adequately elevated and anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All new construction or substantial improvements shall be by methods and practices that minimize or eliminate flood damage.
- (3) All new construction or substantial improvements shall utilize materials and utility equipment resistant to flood damage.

- (4) All new and replacement water supply systems shall be floodproofed.
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) New structures shall be placed with their longitudinal axis parallel to the predicted direction of flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures.
- (8) Filling or development which diminishes the flood storage capacity of any regulatory flood plain area shall be compensated for as specified in the City Drainage Standards.

b. Development Requirements in the Regulatory Flood Plain Areas.

- (1) All new construction and substantial improvements of any residential structure within the regulatory flood plain area shall have the lowest floor, including basement, elevated at least one (1) foot above the regulatory flood elevation with full urbanization. A registered professional engineer, architect or land surveyor shall submit a certification to the Director that the elevation requirement has been met.
- (2) All new construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one (1) foot above the regulatory flood elevation with full urbanization, or together with attendant utility and sanitary facilities, be floodproofed so that at least below one (1) foot above the regulatory flood level with full urbanization, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit certification to the Director that this standard regarding floodproofing has been

satisfied. A registered professional engineer, architect, or land surveyor shall submit a certification to the Director that the elevation requirement has been met.

(3) All manufactured homes shall be elevated and anchored to prevent flotation, collapse or lateral movement from the regulatory flood with full urbanization. Acceptable methods of elevating and anchoring shall be set out in the City Drainage Standards. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(4) All manufactured homes to be placed in the regulatory flood plain shall have the lowest floor elevated at least one (1) foot above the regulatory flood with full urbanization. A registered professional engineer, architect or land surveyor shall submit a certification to the Director that the elevation requirement has been met.

(5) An evacuation plan indicating vehicular access and escape routes for manufactured home parks and subdivisions located in or surrounded by regulatory flood plain areas shall be filed with the Public Works Department and the Tulsa Area Emergency Management Agency. The owner of the manufactured home park or subdivision shall be responsible for filing vehicular access and escape routes with the Public Works Department and the Tulsa Area Emergency Management Agency and shall see that each tenant thereof has received an Evacuation Plan prior to the tenant's moving into the manufactured home park or subdivision.

(6) Placement of manufactured homes within the adopted regulatory floodway is prohibited except in a legally pre-existing manufactured home park or subdivision.

(7) All new construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet the following minimum criteria:

(a) a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided,

(b) the bottom of all openings shall be no higher than one (1) foot above grade, and

(c) openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

c. Standards for Subdivision Proposals in Regulatory Flood Plain Areas.

(1) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood effects and shall comply with the provisions of this chapter and the City Drainage Standards.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) Regulatory Flood Plain area delineation shall be clearly shown on all preliminary plats and final plats submitted for approval.

(4) All subdivision proposals, including manufactured home parks greater than fifty (50) lots or five (5) acres, whichever is lesser, shall show the water surface elevation of the base flood with full urbanization. When the fully urbanized base flood elevation data has not been provided, the Director shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source in order to administer this provision.

d. Standards for Areas of Shallow Flooding (AO/AH Zones).

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's Flood Insurance Rate Map (FIRM) (at least two [2] feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's Flood Insurance Rate Map (FIRM) (at least two [2] feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered professional engineer or architect shall submit a certification to the Director that the standards of this section are satisfied. There shall be adequate drainage paths around structures on slopes to guide flood waters around and away from the proposed structures.

(3) The foregoing requirements of this subparagraph are minimal requirements and shall not relieve any new construction or substantial improvements from meeting and complying with additional requirements and provisions of this chapter.

3. **Area of Special Flood Hazard, Policies and Standards.** In all special flood hazard areas, the following policies and standards shall apply.

a. New construction, substantial improvements or other development (including fill) shall not be approved in a special flood hazard area if it:

(1) adversely affects the capacity of channels or floodways of any watercourse in the flood plain area to convey the regulatory flood or any flood of more frequent occurrence,

(2) would measurably increase flood flows or flood heights or increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence,

(3) would individually or cumulatively, when combined with all other existing and anticipated development assuming an equal degree of encroachment for a significant reach on both sides of the stream or watercourse, increase flood levels or expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to

flooding during the regulatory flood or any flood of more frequent occurrence,

(4) increases velocities or volumes of flood waters to the extent that significant erosion of flood plain soils would occur either on the subject property or on some other property upstream or downstream, or

(5) does not provide compensatory storage for any measurable loss of flood storage capacity.

b. Encroachments in special flood hazard areas including fill, new construction, substantial improvements and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.

c. Encroachments in the floodways including fill, new construction, substantial improvements and other development are prohibited unless the encroachments will not result in any increase of flood levels for the regulatory flood or any flood of more frequent occurrence, and certification demonstrating that the encroachments will not result in such increase in flood levels is provided by a professional registered engineer or architect.

4. **Special Flood Hazard Area Notice.**

a. Every owner of real property, any part of which is located in a special flood hazard area as depicted and shown on a Flood Insurance Rate Map adopted by the City, is hereby required to notify in writing every tenant of the real property of the location of the property in a designated special flood hazard area and to obtain and keep for inspection upon request by the Director or his authorized representative written acknowledgment of the receipt of the notice signed by each of the tenants.

The notice shall be given and the acknowledgment thereof obtained prior to any of the tenants taking possession of or occupying the real property or, in the case of property already rented or leased prior to the effective date of this provision, within sixty (60) days after its adoption and publication. The notice and acknowledgment shall be in a separate document and not a part of any other document, such as a lease, and it shall be substantially in the following form:

**NOTICE TO TENANT OF LOCATION
IN FLOOD HAZARD AREA**

Notice is hereby given that the following-described real property is located within a flood hazard area as graphically shown on Flood Insurance Rate Maps as reviewed and adopted by the City of Tulsa:

(Put in legal description and address of property being leased or rented.)

Further information may be obtained from the Public Works Department of the City of Tulsa.

Dated this _____ day of _____, A.D._____.

(Signature of Owner or Agent of Owner)

ACKNOWLEDGMENT OF TENANT

The undersigned tenants of the above-described real property hereby acknowledge receipt of notice that such property is located within a flood hazard area, as graphically shown on the Flood Insurance Rate Maps adopted by the City of Tulsa.

Dated this _____ day of _____, A.D._____.

(Signature of all tenants required)

I, _____ the tenant
(name)

(address)

_____ acknowledge that I have received
an Evacuation Plan for _____

_____ manufactured home park.

(Signature of Tenant)

b. All departments, agencies, boards, commissions and employees of the City, charged with the responsibilities of issuing permits for manufactured homes or modular homes in a special flood hazard area, including the issuance of permits for hook-up of utilities to the same, shall refrain and be prohibited from issuing any such permit unless the applicant for such permit provides a copy of the notice and acknowledgment properly signed by an owner and all tenants as required herein.

c. Every owner of real property, any part of which is located in a special flood hazard area as shown on Flood Insurance Rate Maps as reviewed and adopted by the City, is required to notify in writing every purchaser of the real property of the location of the property in a designated special flood hazard area. The notice shall be given at least ten (10) days prior to closing of sale and prior to any purchaser taking possession of or occupying the real property.

5. Special Flood Hazard Maps.

a. Establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for City of Tulsa, Oklahoma," dated April 15, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are adopted by reference and declared to be a part of this chapter.

(NOTE: FEMA has designated flood hazard areas [A Zones] for the City of Tulsa by the publication of Flood Boundary and Floodway Maps and by publishing a notice of final flood elevations for flood hazard areas on Flood Insurance Rate Maps. The City must adopt regulations meeting the FEMA minimum requirements for adequate flood plain management for these flood hazard areas in order to qualify for the sale of federally-subsidized flood insurance. Risk premium rates for flood insurance are charged based on the FEMA flood hazard area and flood elevation determinations. Banks, savings and loan associations, or similar institutions regulated, supervised or insured by a federal instrumentality are required by Federal law as a condition of making a loan in a flood hazard area to notify the purchaser of such flood hazards, in writing, a

reasonable period of time in advance of the signing of the purchase agreement, lease or other documents involved in the transaction.)

b. FEMA Map Corrections and Amendments.

(NOTE: The Flood Boundary and Floodway Maps and Flood Insurance Rate Maps are revised by FEMA when there is a change of community regulatory flood elevations due to changed physical conditions or where the flood elevations are technically incorrect. FEMA also issues letters of map amendment to owners or lessees of property which have been inadvertently included in a flood hazard area [A Zone].)

The Public Works Department shall review and comment on all proposed revisions to FEMA flood hazard areas and flood elevations within the City of Tulsa prior to action by FEMA on those proposals.

The Public Works Department shall submit technical data to FEMA in order to maintain the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps with current data.

The revised FEMA Flood Insurance Rate Maps shall be adopted biannually after public notice by the City. Subsequent to such adoption, the Clerk shall cause copies of the FEMA maps to be delivered to and acknowledgment of receipt of such delivery to be obtained from the Mayor's Office, the Public Works Department, the Tulsa Metropolitan Area Planning Commission, the Indian Nations Council of Governments, the City-County Library, and its branches, and to County Clerks in Tulsa, Osage and Rogers counties. Additional copies of the maps shall be provided to these County Clerks for distribution as information to County Engineers and Hydrologists and County Tax Assessors.

Notice shall be sent by the Public Works Department to appraisers, surveyors, realtors and lending institutions informing them that revised maps have been adopted and explaining where copies of the revised FEMA maps are located or where they may be obtained.

6. **Flood Plain Area Notice.** The Public Works Department shall mail annually a notice to owners or occupants of structures within or touched by the regulatory flood plain areas, to provide information as to the status of the flood hazard for each property.

Ord. Nos. 16959, 17173, 17285, 17466, 18838

SECTION 305. RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC WORKS

The responsibilities of the Director in administering the requirements of Subsection 304.E, Regulatory Flood Plain Area Policies and Standards, shall include:

A. Maintaining and holding open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation of the lowest floor (including basement) of all new and substantially improved structures in the regulatory flood plain and, for structures that have been floodproofed, the elevation to which the structure was floodproofed;

B. Reviewing, approving or denying all applications for development permits required by Section 302 of this chapter;

C. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;

D. Making the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

E. Notifying, in riverine situations, adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency;

F. Assuring that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

G. When regulatory flood elevation data has not been provided by the Federal Emergency Management Agency, obtaining, reviewing and reasonably utilizing any base flood elevation data available from a federal, state, city or other source; and

H. Redefining within one hundred-eighty (180) days prior to the expected completion date of construction of any flood control protective works, the regulatory flood plain area as altered by the works; and submitting the new special flood hazard area definition and new regulatory flood elevation to FEMA for revision of the Flood Insurance Rate Maps.

Ord. Nos. 16959, 17285

SECTION 306. ADMINISTRATIVE PROCEDURES

A. Watershed Development Permit Administrative Criteria.

1. **Permit Fees.** Permits authorized by the provisions of this chapter shall be effective only upon payment of the appropriate fee as set out in the duly adopted drainage standards. Fees are payable:

a. prior to the time the permit is issued by the Public Works Department if the Watershed Development Permit is applied for through direct application to the Public Works Department, or

b. prior to the time the Building Permit is issued if the Watershed Development Permit application was made in connection with a building permit application.

2. **Effective Date and Expiration of Watershed Development Permit.** The Watershed Development Permit effective date shall be the date as stamped in the approval box of the permit and permits shall be valid only when signed by an authorized representative of the City.

Any Watershed Development Permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or, if the authorized work is suspended or abandoned, for a period of six (6) months after the time of commencing the work, unless an extension has been granted in writing by the Public Works Department. One six (6) month extension will be routinely granted by the Public Works Department if requested by the applicant in writing.

B. **Appeals.** Any person who is aggrieved by a decision, requirement, ruling or interpretation of this chapter or of the City Drainage Standards may request review thereof by the Director. The determination of the Director may be appealed by such person to the Stormwater Drainage Advisory Board by written notice of appeal filed with the Director within ten (10) days of his determination. The decision of the Stormwater Drainage Advisory Board may be appealed to the governing body of the City of Tulsa by such person or by the Director by written notice of appeal filed with the Office of the City Clerk within ten (10) days of decision by the Stormwater Drainage Advisory Board.

C. **Variances.** The Stormwater Drainage Advisory Board upon application, after hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variances from the terms of this chapter as will not cause detriment to the public good, safety or welfare nor be contrary to the spirit, purposes and intent of this chapter where by reason of unique and exceptional physical circumstance or condition of a particular property, the literal enforcement of the requirements of this chapter will result in an unreasonable hardship.

1. Applications for variance from the provisions of the Flood Plain Area Standards shall be made by the filing of a written request with the Public Works Department.

2. The following additional prerequisites are required for variances as to requirements of Subsection 304.E, Regulatory Flood Plain Area Policies and Standards:

a. A variance shall be granted only upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard;

b. Variances shall be granted only upon (1) showing of good and sufficient cause, (2) a finding that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a finding that the granting of a variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, nor conflict with existing local laws or ordinances;

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation no more than a specified number of feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

d. A variance may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in Section 304 of this chapter;

e. Upon consideration of the factors noted above and the intent of this chapter, the Stormwater Drainage Advisory Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives herein; and

f. A variance shall not be granted within any designated floodway if any increase in flood levels during the regulatory flood discharge would result.

D. Appeal and Variance Process. Upon accepting a notice of appeal or an application for a variance, the Public Works Department shall:

1. Require the appellant or applicant to furnish the names and mailing addresses of all owners of the subject property and of all owners of property within a three-hundred (300) foot radius of the exterior boundary of the property as shown by County tax records;

2. Schedule a hearing date before the Stormwater Drainage Advisory Board;

3. Mail written notice to all owners of the subject property and to all owners of property within a three-hundred (300) foot radius of the exterior boundary of the subject property indicating that an appeal or variance has been requested and when a hearing will be held; and

4. Refer the notice of appeal or application for variance to the Stormwater Technical Advisory Group for review and recommendation to the Stormwater Drainage Advisory Board.

Ord. Nos. 16959, 17285, 17303

SECTION 307. ENFORCEMENT AND PENALTIES

A. Notification of Noncompliance. If, at any time, a development occurs which is not in accordance with the provisions of this chapter or a Watershed Development Permit, including conditions and approved modifications thereof, a written notice to comply shall be given by the City which shall state the nature and location of the alleged noncompliance, and shall specify remedial steps necessary to bring the project into compliance. The responsible parties shall have such time as may be allowed in the written notice to correct all noted deficiencies. The time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

B. Revocation or Suspension of Watershed Development Permit. A Watershed Development Permit may be revoked or suspended according to the provisions given herein.

1. **Grounds for Revocation or Suspension.** A Watershed Development Permit may be revoked or suspended upon the occurrence of any one of the following events:

a. A violation of any condition of the permit;

b. A violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation pertaining to the Watershed Development Permit; or

c. The existence of any condition or the doing of any act constituting fraud, or creating a nuisance or hazard, or endangering human life or the property of others.

2. **Notice and Order of Revocation or Suspension.** Upon the occurrence of any of the events above listed, the Director may cause to be served upon the permit holder a notice and order suspending or revoking the permit, specifying the grounds for the suspension or revocation and advising the holder that he is entitled to a hearing before the Director at a time, place and date specified in the notice and order, and further advising the holder that if the holder fails to appear at the time, place and date therein specified, the Director's order for suspension or revocation of the holder's permit shall be final.

3. **Hearing Before the Director.** At the hearing before the Director, the permit holder shall be afforded the opportunity to respond to the charges of the Director and to present information to show why his permit should not be revoked or suspended. After such hearing, the Director may either affirm, modify or reverse his order for suspension or revocation of the holder's permit, and shall notify the holder in writing of his decision within five (5) days of the date of the hearing. The Director's decision shall be final, unless the permit holder appeals the decision to the Stormwater Drainage Advisory Board as provided herein.

4. **Appeals.** An appeal from the Director's decision to the Stormwater Drainage Advisory Board ("Board") shall be by written notice of appeal filed with the Director within ten (10) days of the receipt of the Director's decision. The Director shall place the appeal on the agenda of the next regular or special meeting of the Board and shall notify the permit holder of the time, place and date of such meeting. The decision of the Board may be appealed to the governing body of the City by the permit holder or the Director by written notice of appeal filed with the City Clerk within ten (10) days of the decision of the Board. If no appeal is taken to the governing body as herein provided, the decision of the Board shall be final.

5. **Service.** Notices and orders required by this subsection shall be served upon each party concerned, either personally or by certified mail, addressed to the individual contracting party or permit holder at the address given on the contract document or permit application filed with the City.

6. **Stop Work Order.** Upon the suspension or revocation of a Watershed Development Permit by the Director, the Director may issue a stop work order on all construction activity on the subject property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City. Such stop work order may order a work stoppage on all construction activity on buildings or structures and appurtenances thereto, including building, electrical, plumbing, mechanical and street

work, storm sewers, sanitary sewers, gas lines, and all utilities including gas, electric, telephone and cable television.

C. **Penalty.** Unless otherwise provided herein, every person, firm, corporation or other legal entity violating any of the provisions of this chapter or conditions made pursuant thereto shall be guilty of an offense and upon conviction thereof shall be punished by imprisonment in the City Jail for a period of not more than ninety (90) days and/or by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00), excluding costs.

D. **Fine or Imprisonment not Exclusive Remedies.** In addition to fine or imprisonment, the City may institute appropriate actions or proceedings at law or equity to enforce the provisions of this chapter or City Drainage Standards or to correct violations thereof. The conviction and punishment of any person hereunder shall not relieve the person of the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, obstructions or improvements nor prevent the enforcement, correction or removal thereof.

SECTION 308. WARNING AND DISCLAIMER OF LIABILITY

The City recognizes that, although the degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, on rare occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. These provisions do not imply that land outside the flood plain areas or that uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of the City of Tulsa or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Ord. Nos. 16959, 17285

CHAPTER 4

PUBLIC INVOLVEMENT PROCESS

Section 400. Adoption of Stormwater Drainage Advisory Board
Public Involvement Process.

Section 401. Effective Date.

**SECTION 400. ADOPTION OF STORMWATER DRAINAGE
ADVISORY BOARD PUBLIC INVOLVEMENT
PROCESS**

The recommended public involvement process for stormwater capital plans and major projects adopted by the Stormwater Advisory Board on August 13, 1990, as amended, and attached hereto as "Attachment A" be and the same is hereby adopted as the policy for public involvement for stormwater capital plans and major projects for the City of Tulsa.

Ord. Nos. 17285, 17387

SECTION 401. EFFECTIVE DATE

The effective date of this ordinance shall be upon its passage, approval and publication and shall not apply to funded capital plans and major projects in existence on the effective date of this ordinance.

Ord. Nos. 17285, 17387

ATTACHMENT ARECOMMENDED PUBLIC INVOLVEMENT PROCESS
FOR
STORMWATER CAPITAL PLANS AND MAJOR PROJECTS

I BASIN DRAINAGE PLANS

- Notification of public meetings.
- Initial public meeting to inform residents and interested parties of the study and solicit input on problems and concerns.
- One or more interim meetings to discuss options and proposed solutions.
- Final meeting to present recommended plan and answer questions.

II CITYWIDE MASTER DRAINAGE PLAN

- Stormwater Drainage Advisory Board hosts meetings, as requested, with interested groups, including district councilors and affected boards and authorities.
- Public hearing(s) by Tulsa Metropolitan Area Planning Commission.
- Public hearing(s) by City Council, before adoption as part of Tulsa Comprehensive Plan.

III FUNDING OF CAPITAL PROJECTS

- Meetings throughout city to discuss citywide service and capital needs and options such as bond issues and sales tax proposals--hosted by Mayor and City Council, who develop recommended list to submit to voters.
- Meetings with interested groups, including district councilors, to discuss proposals and specific projects, upon requests.
- Voter approval.

IV DESIGN OF CAPITAL PROJECTS

- Public workshop with interested individuals and groups, including district councilor, boards and authorities, interested neighbors, etc., to address design issues and concerns, for projects costing \$1 million or more.

CHAPTER 5**POLLUTION**

- Section 500. Scope.
- Section 501. Definitions and Abbreviations.
- Section 502. Discharge Requirements.
- Section 503. Spills.
- Section 504. Pavement Wash Waters.
- Section 505. Construction Activities.
- Section 506. Record Keeping.
- Section 507. Reporting Requirements.
- Section 508. Compliance Monitoring Requirements.
- Section 509. Requirements for Best Management Practices.
- Section 510. Inspections and Sampling.
- Section 511. Administrative Enforcement Remedies.
- Section 512. Violations, Injunction and Criminal Prosecution.
- Section 513. Confidential Information.

SECTION 500. SCOPE

This chapter establishes methods to regulate the introduction of pollutants to the City of Tulsa's municipal separate storm sewer system and enables the City to comply with all applicable state and federal laws and regulations, including the federal *Clean Water Act*, 33 U.S.C. §§ 1251, *et seq.*, the *Oklahoma Environmental Quality Act*, 27A O.S.2001, §§ 1-1-101, *et seq.*, and stormwater regulations contained in 40 CFR Part 122, *EPA Administered Permit Programs: the National Pollutant Discharge Elimination System* (NPDES). The objectives of this chapter shall permit the City of Tulsa to:

- A. Regulate the contribution of pollutants into the municipal separate storm sewer system through the stormwater discharges of any user;
- B. Control the introduction into the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than stormwater;
- C. Prohibit illicit discharges into the municipal separate storm sewer system;
- D. Carry out inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this chapter; and
- E. Comply with its OPDES Municipal Storm Water Discharge Permit conditions and any other federal or state law or regulation pertaining to stormwater quality.

SECTION 501. DEFINITIONS AND ABBREVIATIONS

A. As used in this chapter, the following terms, phrases and words shall have the meanings given below:

Act or "**the Act**" shall mean the *Federal Water Pollution Control Act*, also known as the *Clean Water Act*, as amended, 33 U.S.C. §§ 1251, *et seq.*

Best Management Practice or **BMP** shall mean the best available practices or devices that, when used singly or in combination, eliminate or reduce the contamination of surface waters, ground waters, or both. BMPs shall be divided into the following categories:

1. **Nonstructural Best Management Practices**, which shall mean those which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on site; and

2. **Structural Best Management Practices**, which shall mean those which require the construction of a structure or other physical modification on the site.

City shall mean the City of Tulsa, Oklahoma, a municipal corporation, and its duly authorized officers, agents and employees.

Composite Sample shall mean a sample of stormwater run-off, resulting from the combination of individual samples taken at selected intervals, based on an increment of either flow or time.

Director shall mean the Director of Public Works and Development, or the person succeeding to this person's duties and functions, by whatever name known, or this person's duly authorized representative.

Discharge shall mean any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Environmental Protection Agency or **EPA** shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of the EPA.

Floatable shall mean any buoyant or semi-buoyant, organic or inorganic, water-borne waste material such as litter, paper, Styrofoam, grass, leaf litter, cigarette butts and other debris.

Garbage shall mean trash, with reference to collections of pollutants at floatable collection sites.

Grab Sample shall mean a sample of stormwater run-off which is taken on a one-time basis, without regard to the flow and consideration of time.

Illicit Discharge shall mean any intentional discharge to the municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to Subsection 502.A. of this chapter, or discharges resulting from fire fighting activities.

Industrial Activity shall mean any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the industrial facility; sites where material handling activities are performed; refuse sites; sites used for the applications or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas, including tank farms, for raw materials, and intermediate and finished products.

Industrial Facility or Industry shall mean any premises whose function is classified in the latest edition of the *Standard Industrial Classification Manual*, also known as the SIC code manual, prepared by the Executive Office of the President, Office of Management and Budget.

Material Handling Activities shall mean the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

Monitoring shall mean the performance of stormwater flow measurements, stormwater sampling, sample analysis, and like procedures necessary to determine compliance with stormwater discharge activity.

Municipal Separate Storm Sewer System or MS4 shall mean a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains that are owned or operated by the City and are designed or used for collecting or conveying stormwater.

OPDES Storm Water Discharge Permit shall mean the most current "Multi-Sector General Permit for Storm Water Discharge Associated with Industrial Activities for the State of Oklahoma," or the most current "General Permit for Storm Water Discharge Associates with Construction Activities within the State of Oklahoma," with provisions

under the Oklahoma Administrative Code (OAC), § 252:606, incorporating by reference 40 CFR Part 122.26, as issued by the Oklahoma Department of Environmental Quality (ODEQ).

Outfall shall mean a point source as defined in this chapter.

Person shall mean an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their lawful representatives, agents or assignees. This definition shall include all federal, state, and local governments.

Point Source shall mean any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

Pollutant shall mean any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture waste, industrial waste, municipal waste and the characteristics of the wastewater including but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises. shall mean any plot or tract of ground, regardless of size or plat, owned by a person or used by a person and any contiguous plots.

Significant Materials shall mean any raw materials, fuels, materials such as solvents, detergents, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production, hazardous substances.

Spills shall mean any release that has negatively or has the potential to negatively impact the quality of water within, or discharges from the City's municipal separate storm sewer system (MS4) or causes damaging or deleterious effects to the City's MS4, including all structures or appurtenances, or creates any violation of this chapter.

Stormwater shall mean any rainwater run-off, surface run-off, and drainage related to storm events or snow melt.

Stormwater Discharge Associated with Industrial Activity shall mean stormwater from areas of industrial activity or areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

User shall mean any source of direct or indirect discharge into the City's municipal separate storm sewer system (MS4).

B. As used in this chapter the following abbreviations shall have the meanings given below:

BMP	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	United States Environmental Protection Agency
gpd	-	Gallons per Day
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per Liter
MS4	-	Municipal Separate Storm Sewer System
OAC	-	Oklahoma Administrative Code
NOI	-	Notice of Intent
NOV	-	Notice of Violation
NPDES	-	National Pollutant Discharge Elimination System
ODEQ	-	Oklahoma Department of Environmental Quality
OPDES	-	Oklahoma Pollutant Discharge Elimination Discharge System (See Oklahoma Administrative Code (OAC), Title 252, Chapter 606, §§ 252:606-1-1 <i>et seq.</i> , as amended)
RCRA	-	Resource Conservation and Recovery Act of 1976 (Pub.L. 94-580, Oct. 21, 1976, 90 Stat. 2795, as amended)
SARA	-	Superfund Amendments and Reauthorization Act of 1986 (Pub.L. 99-499, Oct. 17, 1986, 100 Stat. 1613, as amended)
SWDA	-	Solid Waste Disposal Act (Pub.L. 89-272, Title II, Oct. 20, 1965, 79 Stat. 997, 42 U.S.C. §§ 6901, <i>et seq.</i> , as amended)
TSD	-	Treatment, Storage, and Disposal Facilities
TSS	-	Total Suspended Solids
USC	-	United States Code

Ord. Nos. 18588, 21383

SECTION 502. DISCHARGE REQUIREMENTS

A. Allowable Discharges.

1. The following types of discharges shall not be prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, causes contamination of surface water, stormwater or groundwater; causes overload or damage to the MS4 or has the potential to endanger public health and safety; or causes the City to violate its OPDES Municipal Storm Water Discharge Permit:

- a. Potable water discharges;
- b. Potable water line flushing;
- c. Diverted stream flows;
- d. Rising groundwater;
- e. Uncontaminated groundwater infiltration;
- f. Uncontaminated pumped groundwater;
- g. Uncontaminated water from crawl space and footing drains;
- h. Air conditioner condensations;
- i. Irrigation water;
- j. Springs;
- k. Residential car washing (including charity car washes);
- l. Flows from riparian habitats and wetlands;
- m. Swimming pool discharges (*e.g.* discharges without significant amounts of chlorine); or
- n. Municipal street washing waters.

2. Dye testing shall be an allowable discharge, but shall require verbal notification to the Director prior to testing. The City shall be exempt from this requirement.

3. Any discharge that has a current NPDES discharge permit with the EPA or has a current OPDES discharge permit with the ODEQ shall be an allowable discharge, with the following exceptions:

- a. A discharge that results in the City violating its OPDES Municipal Storm Water Discharge Permit;
- b. A discharge the Director determines causes contamination of surface water, stormwater or groundwater within the City; or
- c. A discharge that could block or damage the MS4.

Title 11-A

4. Stormwater that is not commingled with stormwater associated with industrial activity and required to obtain an OPDES Storm Water Discharge Permit before it may lawfully create a point source discharge into the MS4.

5. Any stormwater that is associated with industrial activity and has had pollutants removed by structural or nonstructural BMPs, to a level considered satisfactory by the Director shall be an allowable discharge.

6. Other types of discharges determined allowable by the Director.

B. Prohibited Discharges.

1. It shall be unlawful and a misdemeanor offense to discharge or allow the discharge of any of the following into the City's MS4:

a. All non-stormwater except those classified as an allowable discharge in Subsection 502.A. of this chapter;

b. Any stormwater from any activity required to obtain an OPDES Storm Water Discharge Permit, unless the discharge is authorized by a valid OPDES Storm Water Discharge Permit;

c. Any spilled pollutants, unless it can be demonstrated that failure to allow the discharge will result in a greater imminent peril or hazard to the life, health, welfare, or safety of the public; or

d. Any material that is disposed of or dumped in such a manner that causes pollutants to be discharged.

2. It shall be unlawful and a misdemeanor offense for any person to place, store or locate any material in such a manner that causes pollutants to be transported by wind, rain or other atmospheric conditions into the City's MS4.

3. Any point source discharge into the City's MS4 that either singly or in conjunction with other discharges causes the City to violate its OPDES Municipal Storm Water Discharge Permit shall be prohibited.

4. It shall be unlawful and a misdemeanor offense for any person to dispose of grass, dirt, leaves, trash or other pollutants into the City's MS4.

5. Any illicit discharge, except those allowable pursuant to Subsection 502.A. of this chapter, shall be prohibited.

SECTION 503. SPILLS

Spills that have the potential to enter or have entered the City's MS4 shall be contained, and remediation activity shall be commenced, as soon as possible. Any person identified as the source of any spill into the City's MS4 shall be required to remediate, remove and properly dispose of spilled materials. Remediation activities shall only be considered complete when the clean-up is deemed satisfactory by the Director. The required reporting or notification for such spills shall be completed as specified in Subsection 507.C of this chapter.

Ord. Nos. 18588, 21383

SECTION 504. PAVEMENT WASH WATERS

Discharges to the City's MS4, resulting from the cleaning of driveways, parking lots, and other paved surfaces shall be deemed allowable upon the fulfillment of the following requirements:

A. The person conducting the cleaning shall employ BMPs, including but not limited to absorbent materials, which prevent the discharge of pollutants into the City's storm sewer;

B. Prior to any washing, floatables shall be removed from the surface that is about to be cleaned.

C. The discharge shall not result in a violation of the City's OPDES Municipal Storm Water Discharge Permit; and

D. The discharge, based upon the determination of the Director, shall not cause contamination of surface water, stormwater or groundwater within the City.

Ord. Nos. 18588, 21383

SECTION 505. CONSTRUCTION ACTIVITIES

A. **Construction.** All construction activities, including the development, excavation, grading, regrading, paving, landfilling, berming, and diking of land shall be conducted in such a manner as to minimize erosion and prevent the discharge of pollutants, including but not limited to rock, sand, and soil into the City's MS4. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling the discharge of pollutants. The adequacy of any BMP shall be based upon the fulfillment of the following requirements:

1. The discharge shall not result in a violation of the City's OPDES Municipal Storm Water Discharge Permit;

2. The discharge, based upon the determination of the Director, shall not cause contamination of surface water, stormwater or groundwater within the City; and

3. The discharge, based upon the determination of the Director, does not transport sediment into the City's MS4.

B. Responsible Person.

1. Any person with overall responsibility for the construction, such as the general contractor, shall be jointly responsible with the person at whose direction the construction is conducted, for purpose of compliance with Subsection 505.A of this chapter.

2. If construction on a particular site requires that a "Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under the OPDES General Permit" be filed with the ODEQ, then the Facility Operator listed on the notice shall be responsible for compliance with Subsection 505.A of this chapter.

Ord. Nos. 18588, 21383

SECTION 506. RECORD KEEPING

A. **Duration.** Every person and industry shall retain and make available to the Director for inspection and copying, all records and information required to be retained under this chapter, or order issued hereunder. The person or industry shall retain these records for a period of no less than five (5) years after an initial request by the Director. This retention period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industry or person has been specifically notified of a longer retention period by the Director.

B. **Fraud and False Statements.** Reports and other documents required to be submitted or maintained under this chapter, or order issued hereunder, shall be subject to the provisions of 18 U.S.C. § 1001, regarding fraud or false statements and the provisions of § 309c(4) of the Act, as amended, governing false statements, representations, or certification.

Ord. Nos. 18588, 21383

SECTION 507. REPORTING REQUIREMENTS

A. **Submission of Correspondence.** Any industry that performs an industrial activity that is required under OPDES, OAC 252:606, to obtain an OPDES Storm Water Discharge Permit from ODEQ or to obtain an NPDES Storm Water Discharge Permit from the EPA, under 40 CFR Part 122.26, shall submit a copy of that application and permit, as well as any written correspondence with any federal, state or local agency regarding the permit, to the Director within fifteen (15) days of a request.

B. **Availability.** Any permits, pollution prevention plans, or other documents regarding an industry's or construction site's OPDES Storm Water Discharge Permit shall be made available to the Director upon request.

C. **Spills.** Any person or industry shall, at the earliest possible time but, in any case, no later than one (1) hour from discovery, orally report to the Director a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants into the MS4. This notification shall include the location, type, concentration and volume, if known, and corrective actions taken. Written notification shall also be made to the Quality Assurance Section of the Public Works and Development Department of the City within five (5) days of the discovery of the spill. This notification shall include all the notification requirements specified within this section. These reporting requirements shall be in addition to and not in lieu of any other reporting requirements imposed under federal, state and local laws or regulations.

D. All persons or industrial facilities may be required to provide other reports deemed necessary by the Director to monitor, maintain, and ensure compliance with this chapter.

E. **Timing.** Reports required to be submitted pursuant to this chapter, or orders issued by the Director, shall be deemed to have been submitted on the date postmarked. For reports that are not deposited, postage prepaid, into a mail facility serviced by the United States Postal Service, or reports whose postmark is illegible, the actual date of receipt shall govern.

Ord. Nos. 18588, 21383

SECTION 508. COMPLIANCE MONITORING REQUIREMENTS

A. **Stormwater Sampling Event Criteria.** When the Director requires that a sample of a storm event shall be obtained, the following criteria shall be met:

1. The depth of the rainfall shall be greater than one-tenth (0.1) inch or its equivalent;
2. The sample storm event shall be preceded by at least seventy-two (72) hours of less than one-tenth (0.1) inch of rainfall; and
3. All point sources from the premises or industry required to sample must be sampled, unless otherwise specified, in accord with Subsection 508.E. of this chapter.

B. **Sampling.** When the Director has cause to believe that any person or industrial facility is violating the provisions of this chapter or in order to comply with the City's MS4 permit, a person or industrial facility may be required to obtain either a

grab or composite sample and analyze any discharge, stormwater, groundwater or sediment and provide a copy of the analysis to the Director for review.

C. **Illicit Discharge Sampling.** When the Director has cause to believe that any discharge is an illicit discharge, the Director may obtain either a grab or composite sample and analyze the discharge. If the Director determines that the discharge is an illicit discharge, then the Director may fully recover all cost of the sampling and analysis from the person or industrial facility. When the discharge is likely to contain illicit discharges on a recurring basis, the person or industrial facility may be required by the Director to conduct monitoring activities at its expense.

D. **Chain-of-Custody.** Upon completion of sample collections and documentation, a written record of the chain-of-custody shall be completed. The chain-of-custody record shall be an accurate step-by-step documentation of the sampling path, from origin through analysis. It shall contain the following information:

1. Name of the person(s) collecting the sample;
2. Sample ID numbers;
3. Date and time of sample collection;
4. Location of sample collection;
5. Name(s) and signature(s) of all persons handling the sample in the field and in the laboratory;
6. Type of sampling equipment used;
7. Type of preservation; and
8. Certification of sample authenticity.

A copy of the chain-of-custody shall remain with all sample analyses sent to the City for review.

E. **Substitution of Substantially Identical Effluents.** When a person or industry is required to sample a storm event and that person or industry has two (2) or more outfalls, with substantially identical effluents, based on similarities of the industrial activities, significant materials and storm water management practices occurring within the outfalls' drainage areas, examination of only one (1) of the outfalls shall be required, provided the report shall state the examination applies to substantially identical outfall(s). For this to be permissible, the person or industry shall petition the Director to allow the sampling of only one (1) outfall and report that the data applies to

substantially identical outfall(s). This petition shall include: locations of outfalls, why the outfalls are expected to discharge substantially identical effluents and estimates of the size of the drainage area of each outfall, in square feet.

F. **Monitoring Methods.** Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136. If 40 CFR Part 136 does not contain test procedures for the pollutant in question, analyses shall be conducted in accordance with procedures approved by the EPA.

Ord. Nos. 18588, 21383

SECTION 509. REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

A. **Implementation.** If the Director determines that a stormwater discharge into the MS4 is, or has the potential of, contributing to water quality degradation, has potential to cause any violation of this chapter or, causes a violation of the City's OPDES Municipal Storm Water Discharge Permit, a BMP shall be implemented. The type and number of BMPs shall be addressed individually, with the initial implementation of nonstructural BMPs, followed by structural BMPs. The Director may require additional BMPs to be implemented for any discharge from a commercial, residential and industrial source.

B. **Spill BMPs.** All persons and industrial facilities shall take measures to prevent spills or any other accidental introduction of pollutants into the MS4. These measures shall take the form of BMPs.

Ord. Nos. 18588, 21383

SECTION 510. INSPECTIONS AND SAMPLING

A. **Right of Access.** The Director or the Director's authorized representative bearing credentials, shall be permitted to gain access to such premises as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing, as often as may be necessary, to determine compliance with the provisions of this chapter.

B. **Inspections.** The Director or the Director's authorized representative bearing credentials, retains the right to perform inspections at any industrial facility or any other premises that discharges or has the potential to discharge stormwater into the MS4. Whenever an inspection of such premises is made, the findings shall be recorded and a copy of the inspection report made available to the owner or person in charge of such premises, after finalization of the inspection report.

Ord. Nos. 18588, 21383

SECTION 511. ADMINISTRATIVE ENFORCEMENT REMEDIES

The following enforcement provisions are intended to encourage compliance with this chapter.

A. **Notice of Violations.** Whenever the Director determines that a violation of this chapter has occurred or is occurring, the Director may issue a notice of violation (NOV) to the person or industry. This NOV shall include the nature of the violation and provide a reasonable time for correction. The Director may require, within fifteen (15) days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention, including specific required actions. The explanation and plan shall be submitted by the violator to the Director in writing. Submission of this plan shall in no way relieve the person or industry of liability for any violation(s) occurring before or after receipt of the NOV. Issuance of a NOV shall not preclude any other enforcement action.

B. **Administrative Orders.**

1. **Consent Orders.** The Director is empowered to enter consent orders, assurances of voluntary compliance, or other similar documents establishing a consensus with any person or industry for noncompliance. Such an order shall include specific action to be taken by the violator to correct the noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable.

2. **Compliance Orders.** When the Director finds that a person or industry has violated or continues to violate this, chapter or orders issued hereunder, the Director may issue an order to the violator directing that compliance be obtained within a specified time period. If compliance is not achieved within the time period, water service or sewer service, or both services may be discontinued, unless adequate BMPs or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements addressing noncompliance, including additional self-monitoring. A compliance order shall not extend the deadline for compliance established by a federal standard or requirement, nor shall a compliance order release the violator from liability for any violation, including any continuing violation. Issuance of a compliance order shall not preclude any other enforcement action.

3. **Cease and Desist Orders.** When the Director finds that a person or industry is violating provisions of this chapter, or any order issued hereunder, or that past violations are likely to recur, the Director may issue an order directing the violator to cease and desist all such violations or activities likely to cause a recurrence, and to:

- a. Immediately comply with all requirements, and

b. Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

4. Issuance of a cease and desist order shall not preclude other action against the violator.

5. Administrative orders may be revised by the Director at anytime in order to insure compliance with this chapter.

C. Administrative Fines.

1. When the Director finds that a user has violated or continues to violate any provision of the chapter, or order issued hereunder, the Director, upon good cause shown, may impose an administrative fine against such user in an amount not to exceed One Thousand Dollars (\$1,000.00). Such fines may be assessed on a per violation, per day basis.

2. Notice of an administrative fine shall be served personally on the user or by certified mail, return receipt requested. Payment of the fine shall be received by the Director within fifteen (15) days after such notice is served.

3. Failure to submit payment for an administrative fine within fifteen (15) days shall be considered a violation of this chapter.

4. Issuance of an administrative fine shall not preclude any other action against the user.

D. Cost Recovery of Expenses Incurred for Violation of this Chapter. Notwithstanding any other provision of this chapter, the Director may require any person and or industry found to have violated any provision of this chapter, or orders issued hereunder, to reimburse the City for any goods or services used to remove pollutants from the City's MS4, prevent further discharge of pollutants into the MS4, and shall become liable to the City for any expense, loss, or damages experienced by the City as a result of a violation. The City may pursue its right of action to recover all such costs, by utilizing any and all reasonable methods, including installment payment administered by the Finance Department. The City may recover the costs incurred by adding them to the utility bill of the violator or filing a lien on the subject property.

E. Mitigation of Pollutant Discharge to the MS4. Whenever it has been determined or in the opinion of the Director, a discharge of pollutants(s) to the MS4 has the potential to negatively impact water quality or public safety, the person responsible for the discharge may be required by the Director to mitigate and or remove such pollutants from the MS4. Removal and or mitigation of the pollutant must occur with

in a reasonable time period, as determined by the Director. Removal and or mitigation shall be considered complete at the discretion of the Director. Failure to comply with this requirement shall be a violation of this chapter.

F. Water Supply Severance. Whenever a person has violated, or continues to violate any provision of this chapter, or orders issued hereunder, water service may be severed. Service shall only recommence at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply, and actual compliance.

G. Appeals. Any person aggrieved by any NOV, administrative fine or order issued by the Director pursuant to Section 511 of this chapter may appeal the action as provided in this subsection.

1. The initiation of an appeal shall be in writing and filed with the Director no later than fifteen (15) days after service of notice of the action appealed from. The written notice of appeal shall specify the action appealed, detail why the action is in error, and specify provision of ordinances or statutes supporting the person's appeal.

2. Upon receipt of a notice of appeal by the Director, the Director shall conduct any necessary investigation into the basis of the appeal and hold a hearing within thirty (30) days of receipt. However, upon review of the notice of appeal, if the Director determines that the basis of the appeal is patently frivolous or filed only for purposes of delay, then the Director may deny the appeal without a hearing. Upon the Director's denial without a hearing, the appellant shall be notified in writing of the denial and the grounds for denial.

3. At the conclusion of a hearing on an appeal, if the appeal is sustained in favor of the appellant, the Director may modify or withdraw the notice, fine or order. If the Director fails to act on the appeal within thirty (30) days of concluding the hearing, the appeal shall be deemed denied. Any ruling, requirements, decisions or actions of the Director on appeal shall be final and binding, unless appealed to the City Council.

4. Any person aggrieved by an appeal decision of the Director may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and the Director within fifteen (15) days from the date of the action by the Director. Such notice shall specify grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall have jurisdiction to affirm, modify, reverse or remand the action of the Director upon good cause shown. Any rulings, requirements, or decision of the Council shall be final and binding, provided that any right of appeal to the courts shall not be abrogated.

SECTION 512. VIOLATIONS, INJUNCTION AND CRIMINAL PROSECUTION

A. **Injunctive Relief.** Whenever a person or industrial facility has violated or continues to violate the provisions of this chapter, or orders issued hereunder, the Director, with the advice and counsel of the City Attorney and the approval of the Mayor, may petition the district court for the issuance of an injunction, which restrains or compels the activities on the part of the person or industry. A petition for injunctive relief shall not preclude any other action against a person or industrial facility.

B. **Criminal Prosecution.**

It shall be unlawful and a misdemeanor offense for any person to violate any of the provisions of this chapter, or any order issued hereunder. Any person convicted of a violation of this chapter, or any order issued pursuant to this chapter, shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), excluding costs, fees and assessments, or by imprisonment in the City Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

C. **Remedies Nonexclusive.**

1. The provisions of Sections 511 and 512 of this chapter shall not be exclusive remedies. The City reserves the right to take any combination of actions against a violator of this chapter. These actions may be taken concurrently.

2. The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

Ord. Nos. 18588, 21383

SECTION 513. CONFIDENTIAL INFORMATION

Information and data regarding a person, industrial facility or industrial activity obtained from reports, surveys, OPDES stormwater discharge permit applications or permits, monitoring programs, inspections and sampling activities may be available to the public in accordance with the Oklahoma Open Records Act, (51 O.S.2001, §§ 24.A.1, *et seq.*) or to other government agencies unless the industrial facility or industrial activity can demonstrate to the Director's satisfaction that the release of such information would divulge information regarding trade secrets which is entitled to protection under applicable state law. If, in the opinion of the Director, that information and data requested may disclose trade secrets or secret processes, then the information or data will not be made available.

Ord. Nos. 18588, 21383