

**TITLE 13**

**PUBLIC SERVICES**

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## Chapter 13.04

### PUBLIC UTILITIES GENERALLY

#### Sections:

- 13.04.010 Utility fees and billings in general.**
- 13.04.020 Failure to pay utility bills--Penalty and disconnection of service.**
- 13.04.030 Utility taps and connections, fees, utility deposits.**
- 13.04.040 Other utility fees or charges.**

#### **Section 13.04.010 Utility fees and billings in general.**

All fees and charges in connection with any customer's use of the city's sanitary sewer system, the city's water system, or the operation of the city's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the City Council. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the past due date which is printed on the bill. (Prior code § 17-101)

#### **Section 13.04.020 Failure to pay utility bills--Penalty and disconnection of service.**

A. Upon failure of any customer to pay any part of a utility bill submitted by the city for any utility services pursuant to Section 13.04.010 of this chapter by the past due date which is printed on the bill, the following actions and penalties may result:

1. A penalty on all amounts owing on a utility bill may be added to any utility bill which is not paid by the past due date printed on the bill;
2. The authorized agents of the city may disconnect or discontinue any or all utility services to the customer after mailing or posting written notice to the customer of the intent of the city to disconnect or discontinue any or all of the utility services; and
3. The authorized agents of the city may discontinue to furnish water to any customer refusing or neglecting to pay all or any part of a utility bill submitted after providing written notice to the customer of the intent of the city to disconnect the water service.

B. If any utility service is discontinued or disconnected pursuant to this section, the city, or its agents, shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid, plus the penalty provided in this section, plus any applicable charges or expenses in reconnecting or reestablishing the service. (Prior code § 17-102)

#### **Section 13.04.030 Utility taps and connections, fees, utility deposits.**

A. The city shall approve any request for a water tap and connection or a sewer tap meeting the requirements of the Sand Springs municipal authority. Prior to granting approval by the city, the customer shall have paid the connection or tap charge

as applicable and set by ordinance, resolution or motion of the council. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed to the city in connection with the utility service. It shall be held in trust by the city. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.

B. A fee for reconnecting of utility service where the service has been turned off or a meter has been disconnected by the city for any reason shall be as set by the City Council by motion, resolution or ordinance. (Prior code § 17-103)

C. The city shall refund a utility deposit if during the last two (2) consecutive years immediately prior to the proposed refund, the customer has established a satisfactory credit history having no delinquent notices, no returned checks, has been assessed no more than three (3) late penalties within the last twenty-four (24) months and no more than one (1) late penalty within the last twelve (12) months, and the city has received no other evidence of credit risk. The refund shall be accomplished through mailing of a separate check or through applying a credit on the utility bill. In the event the customer experience any of the offenses mentioned herein after such time as the deposit has been refunded, the City hereby reserves the right to charge a new deposit on the utility bill. (1090, Amended, 02/14/2005)

**Section 13.04.040 Other utility fees or charges.**

The City Council from time to time by ordinance, motion or resolution shall have the power to establish rates and charges governing all aspects of the city utility services, including monthly service fees, connection fees and charges, and deposits. (Prior code § 17-104)

## Chapter 13.08

### WATER SERVICE SYSTEM

#### Sections:

- 13.08.010** Water system is a public utility.
- 13.08.020** Application for water service.
- 13.08.030** Regulating use of water and containing definitions.
- 13.08.040** Authorizing the city manager to implement conservation.
- 13.08.050** Dividing city into five components.
- 13.08.060** Conditions for imposing restrictions and conservation measures.
- 13.08.070** Stage one.
- 13.08.080** Stage two.
- 13.08.090** Stage three.
- 13.08.100** Stage four.
- 13.08.110** Stage five.
- 13.08.115** Access to water meters and equipment (1425, added 01-27-2025, eff. 02-01/2025)
- 13.08.120** Penalty.

#### **Section 13.08.010 Water system is a public utility.**

The city water system is a public utility owned and operated by the city. It is the responsibility of the mayor and City Council to see that it is operated in a businesslike manner and in accordance with ordinance provisions and other policies adopted by the council. (Prior code § 17-201)

#### **Section 13.08.020 Application for water service.**

Any person desiring to secure water from the city system shall make an application therefor to the City Clerk. The applicant shall give such reasonable information as the City Clerk may request. (Prior code § 17-202)

#### **Section 13.08.030 Regulating use of water and containing definitions.**

It is unlawful and an offense for any person, agent, employee, customer, corporation, or other user of water furnished by the city to use or allow the use of water furnished by the city for purposes other than as set out herein; and whenever used or referred to in this chapter the following terms shall, unless different intent clearly appears from the context, be construed to have the following meaning:

- A. "Outside watering" means any use of city water outside a structure or building.
- B. "Water" or "watering" means water furnished by the city.
- C. "Water system" means the entire means of capturing, storing, transporting, treating and distributing water owned by the city. (Prior code § 17-203)

**Section 13.08.040 Authorizing the city manager to implement conservation.**

The City Manager is hereby authorized and directed to implement conservation measures by increasing more restrictive conservation measures as hereinafter established by ordering the restricted use or absolute curtailment of the use of water for certain outside purposes for the duration of the water shortage in the manner hereinafter set out by filing an order in the office of the City Clerk of the city, which shall establish therein an effective time and date of such restrictive conservative measures. Each order shall be promptly filed with the City Clerk, who shall make the same available for public inspection and forthwith transmit a copy of each order to the City Council. The City Council may give such other notice of the order to the public as determined necessary or desirable. (Prior code § 17-204)

**Section 13.08.050 Dividing city into five components.**

A. For the purposes of mandatory water rationing hereinafter set forth, the city shall be divided into five components based on the last digit of the street address. Each of these components shall be identified on a calendar filed with the City Clerk by a geometric symbol as follows:

<b>Last Digit of Address</b>	<b>Symbol</b>
0 and 1	Circle
2 and 3	Triangle
4 and 5	Diamond
6 and 7	Square
8 and 9	Star

B. Users of water furnished by the city with multiple street addresses in the city shall use the street address ending with the lowest number to determine permissible days to make such use of water as prohibited above. Water customers in rural areas where no street numbers are issued and parks, playgrounds, ball parks, and golf course fairways may only water every fifth day or a number may be assigned by the City Manager. (Prior code § 17-205)

**Section 13.08.060 Conditions for imposing restrictions and conservation measures.**

Upon a determination by the City Manager of the existence of certain hereinafter stated conditions, the City Manager shall take the necessary action as hereinafter provided. (Prior code § 17-206)

**Section 13.08.070 Stage one.**

When the water supply level and distribution capacity is adequate with demands being low, the City Manager shall, through appropriate means, call upon the general residential, business, commercial and industrial population to employ prudent restraints in water usage, and to conserve water voluntarily by every method available. (Prior code § 17-207)

**Section 13.08.080 Stage two.**

A. The conditions for Stage Two shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Two condition;
2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Two restrictions.

B. Upon the declaration of occurrence of Stage Two, the following restrictive conservation measures be and are hereby established:

1. Commencing with the effective date of the City Manager's order as provided for in Section 13.08.040 of this chapter, the following use of outdoor watering shall be restricted to every fifth day according to the schedule set forth in Section 13.08.050 of this chapter between the hours of twelve midnight and twelve noon and between six p.m. and twelve midnight, as follows:

a. The watering of shrubbery, trees, lawns, grass, plants or other vegetation of any kind, except commercial nurseries, commercial landscaping companies and commercial sod farmers, with water obtained from their own immediate premises;

b. The washing of automobiles, trucks, trailers, boats, airplanes or other type of mobile equipment, except upon the immediate premises of commercial car washes, commercial service stations and upon commercial motor vehicles used in the transportation of foods, food products and perishables and upon commercial garbage pickup motor vehicles;

c. The washing or sprinkling of foundations of homes and apartments; and

d. The refilling or adding of water to swimming or wading pools.

2. The following uses shall be and are absolutely prohibited:

a. The operation of any ornamental fountain or other structure making a similar use of water; and

b. The washing or sprinkling of streets, driveways, parking lots or service station aprons except to alleviate fire hazards;

3. No watering of shrubbery, trees, lawns, grass, plants or other vegetation of any kind upon the property of the city shall occur more than once every seven days;

4. The following uses shall not be prohibited:

a. The watering as listed in subsection (B)(1)(a-d) above by a bucket not exceeding a capacity of five gallons filled without the use of a hose; water previously used for bath water, dish water, laundry water and water previously used or derived from air conditioners;

b. The use of water for construction, commercial, manufacturing or processing purposes shall not be prohibited, however, all such establishments shall be subject to the provisions of subsection B of this section;

c. The use of water for golf greens;

d. The use of water by the person, firm, or corporation installing or repairing sprinkler or irrigation systems for the purpose of testing any new installation or repair; provided however, that such test shall not exceed two minutes in duration; and

e. Any watering or sprinkling with water obtained from a well; provided that the premises has posted in a conspicuous location a sign stating that well water is being used. It is a violation of this code for any person to post a sign which states or implies that well water is being used when water is obtained from the water system of the city.

5. The watering for the installation of shrubbery, trees, lawns, grass, plants or other vegetation by commercial nurseries, commercial landscaping companies and commercial sod farmers shall be allowed by permit during installation and for a period of ten (10) days following the completion of the installation. The commercial nursery, commercial landscaping company or commercial sod farmer responsible for the installation shall make an application for a permit to the City Clerk. The application shall state the name of the person or company making the installation, the name of the owner of the premises on which the installation shall occur, the address of the premises as calculated and determined by the provisions of Section 13.08.050 of this chapter, a description of the type, number, or nature of the vegetation installed and the date on which the installation shall commence and the date on which the installation shall be completed, which dates shall be no more than five calendar days apart. The City Clerk shall charge and receive a fee as set by the council to cover the cost of processing and issuing the permit. If it shall be determined by the City Clerk that the facts stated in the application are correct, the clerk shall cause to be issued a permit of a size and composition sufficient to allow the same to be placed or posted in a conspicuous place on the premises. The permit shall show the date of issue, the date the installation is to commence, the date the installation is to be completed, the date of the expiration of the permit, the address for which the permit is issued and the nature, number or type of the new vegetation being installed.

C. Stage Two shall terminate and Stage One shall become operative when the City Manager shall file an order with the clerk finding that the need for Stage Two restrictions no longer exist. (Prior code § 17-208)

### **Section 13.08.090 Stage three.**

A. The conditions of this Stage Three shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Three condition; or
2. When in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Three restrictions.

B. Upon the declaration by order of the occurrence of Stage Three, the components of Stage Two mentioned in Section 13.08.080(B) of this chapter shall remain in full force and effect in Stage Three, except that watering mentioned in Section 13.08.080(B)(1) shall be allowed only by use of a handheld hose in addition to those mentioned in Section 13.08.080(B)(4).

C. Stage Three shall terminate and Stage Two shall become operative when the City Manager shall file an order with the clerk finding that the need for Stage Three restrictions no longer exists. (Prior code § 17-209)

**Section 13.08.100 Stage four.**

A. The conditions of Stage Four shall exist upon the occurrence of any one of the following situations:

1. When the city of Tulsa declares a Stage Four condition; or
2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Four restrictions.

B. Upon the occurrence of Stage Four, the components of Stage Two and Stage Three mentioned in Section 13.08.080(B) and Section 13.08.090(B) of this chapter shall remain in full force and effect in Stage Four, except that watering as mentioned in Section 13.08.080(B)(1) shall only be allowed by use of a hand held hose between the hours of six p.m. and twelve midnight on the prescribed days of each week in addition to that mentioned in Section 13.08.080(B)(4); that the filling, refilling or adding to swimming pools or wading pools be and is hereby prohibited; that watering of vegetation by commercial nurseries, commercial landscaping companies and commercial sod farmers with water obtained from their immediate premises as mentioned in Section 13.08.050(B)(1) shall only be allowed between the hours of twelve noon and six p.m.; that the washing of vehicles upon the immediate premises of commercial car washes, commercial service stations and upon commercial motor vehicles used in the transportation of foods, food products and perishables and upon commercial garbage pickup motor vehicles as mentioned in Section 13.08.080(B)(1) shall only be allowed between the hours of ten a.m. and eight p.m. on Thursdays, Fridays, Saturdays, Sundays, and Mondays, and that all self-service, commercial car washes or car washing devices be limited in the amount of water used to two and one-half gallons per minute for each nozzle. No permits shall be issued pursuant to the provisions of Section 13.08.080(B)(5) of this chapter.

C. Stage Four shall terminate and Stage Three shall become operative when the City Manager shall file an order with the City Clerk finding that the need for Stage Four restrictions no longer exists. (Prior code § 17-210)

**Section 13.08.110 Stage five.**

A. The conditions of Stage Five shall exist upon the occurrence of any one of the following conditions:

1. When the city of Tulsa declares a Stage Five condition; or

2. When, in the determination of the City Manager, the City Utilities Director, and the City Public Works Administrator, the additional reduction of water use requires Stage Five restrictions.

B. Upon the declaration by order of the occurrence of Stage Five, the following restrictive conservation measures are established:

1. All outside watering, except as mentioned in Section 13.08.080(B)(4) shall be and is absolutely prohibited except foundation watering by a hand held hose according to the schedule in Section 13.08.050 during the permitted hours set forth in Section 13.08.100 of this chapter;

2. All restaurants shall be and are absolutely prohibited from serving water to their customers except when specifically requested by customer;

3. All watering of vegetation as mentioned in Section 13.08.080(B)(1) by commercial nurseries, commercial landscaping companies and commercial sod farmers shall be and is hereby prohibited;

4. All washing of automobiles, trucks, trailers, boats, airplanes or types of motor equipment, whether commercial or residential, by any means shall be and is absolutely prohibited;

5. All use of water by industrial, commercial and business operations except for drinking, for sanitary purposes, or in extreme emergency uses shall be and is absolutely prohibited; and

6. Upon a determination by the City Manager, City Utilities Director, and the City Public Works Administrator of an emergency water shortage in the city, all sales of water to all customers outside the corporate limits of the city and to industrial business and commercial customers in the city, shall be and are discontinued and suspended without further notice to the customers.

C. Stage Five shall terminate and Stage Four shall become operative when the City Manager shall file an order with the City Clerk finding that the need for Stage Five restrictions no longer exists. (Prior code § 17-211)

**Section 13.08.115 Access to water meters and equipment.** (1425, added 01-27-2025, eff. 02-01/2025)

A. Authorized employees or agents thereof shall have unobstructed access at all times to water meters and equipment installed, operated, and maintained by the City of Sand Springs and/or Sand Springs Municipal Authority. It shall be unlawful and an offense to obstruct any water meter and/or equipment by any vehicle, fence, object, structure, or any material or matter of any kind, whether temporary or permanent. (1425, added 01-27-2025, eff. 02-01/2025)

B. Water meters and equipment located upon private property shall be accessible to authorized employees or agents thereof at all times without any type of nature of interference or obstruction for purposes related to function and maintenance – including but not limited to reading of meters, connection or disconnection of service, maintenance, or other matters as deemed necessary by the City and/or Municipal Authority. (1425, added 01-27-2025, eff. 02-01/2025)

C. In addition to any penalties provided for in this chapter, interferences or obstructions preventing access to water meters and equipment, whether willful or not, may result in immediate disconnection of water service by whatever means necessary until the interference is resolved or obstruction is removed to the City's and/or Municipal Authority's satisfaction. (1425, added 01-27-2025, eff. 02-01/2025)

**Section 13.08.120 Penalty.**

Any individual, person, firm, corporation, association or other individual violating any portion of this chapter hereof shall be deemed guilty of an offense, and, upon conviction, shall be punished as provided in Section 1.20.010 of this code and be subject to having water service disconnected, including rural customers of the city or those to whom city water is provided. Each day such violation shall continue or occur shall constitute a separate offense. (Prior code § 17-212)

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## Chapter 13.12

### SEWER SERVICE SYSTEM

#### Sections:

- 13.12.010 Sanitary sewer a utility.
- 13.12.020 Definitions.
- 13.12.030 Required and prohibited connections.
- 13.12.040 Private sewage disposal.
- 13.12.050 Permits required.
- 13.12.060 Permits for disconnecting sewers.
- 13.12.070 Prohibited discharge standards.
- 13.12.080 Interceptors for grease.
- 13.12.090 Analytical requirements.
- 13.12.100 Tampering with sewer system prohibited--Penalty.
- 13.12.110 Compliance monitoring.
- 13.12.120 General provisions.
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- 13.12.160 Certificate of inspection.
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- 13.12.190 Excavations must be repaired.
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- 13.12.210 Unlawful to proceed without permit.
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- 13.12.230 Connection outside building.
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- 13.12.310 Property outside sewer district--How connected.
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- 13.12.460 Revocation of permit.**
- 13.12.470 Notification of violation.**
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- 13.12.500 Right of appeal.**
- 13.12.510 Civil penalties.**
- 13.12.520 Falsifying information.**
- 13.12.530 Accepting jurisdiction.**
- 13.12.540 Summary disconnection.**
- 13.12.550 Criminal prosecution.**
- 13.12.560 Affirmative defenses to discharge violations.**

**Section 13.12.010 Sanitary sewer a utility.**

The sanitary sewer system of the city is hereby declared to be a public utility, and a proper source of revenue for the upkeep, repairs, extension and maintenance of the sewer system and other governmental purposes. (Prior code § 17-301)

**Section 13.12.020 Definitions.**

The following words or phrases used in this code or title, chapter or ordinance of the city shall have the meaning set out below:

"Acreage Development" shall mean a lot in an unplatted area for a building site consisting of a lot-area of forty-three thousand five hundred and sixty (43,560) square feet (1 acre) or more of land, as certified by the Sand Springs Planning Commission or allowed by State Statute. (1280, eff. 02/22/2016)

"Act" (when referred to as "The Act") means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

"Approval authority" means the OSDH or EPA.

"Authorized representative of the industrial user" means:

1. If the industrial user is a corporation, authorized representative shall mean:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

b. The manager of one or more manufacturing, production, or operation facilities provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures (1209, amended 01/24/2011);

2. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

3. If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

4. The individuals described in subsections 1, 2 and 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the industrial pretreatment office.

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Building drain" means that drain of the lowest horizontal piping of the sanitary drainage system which receives the discharge from sanitary waste pipes inside the walls of the building and conveys it to the building sanitary sewer.

"Building sanitary sewer" means the extension from the building drain to the public sanitary sewer or other place of disposal, beginning five feet outside the foundation of the building wall;

"City" shall mean the City of Sand Springs, Oklahoma, or individuals representing the city.

"Compliance" shall be defined as conformity to permit conditions and code requirements.

"Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on increment of either flow or time.

"Control authority" means the POTW as administered by the City of Sand Springs/Sand Springs Municipal Authority.

"EPA" means the United States Environmental Protection Agency.

"Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act;

"Federal categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, storage and sale of produce.

"Grab sample" means an individual sample collected over a period of time not exceeding fifteen (15) minutes.

"Indirect discharge" or "discharge" means the introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

"Industrial pretreatment coordinator" means the person designated by the city to carry out the industrial pretreatment program, who is charged with certain duties and responsibilities by this chapter or his or her duly authorized representative.

"Industrial user" or "user" means a source of indirect discharge.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources:

1. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA); including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection; Research and Sanctuaries Act.

"Jurisdiction" means all areas within the city limits of the city or any areas outside the city limits serviced by the sewers of the city.

"Licensed master plumber" means any person skilled in the installation of plumbing and licensed by the State Board of Health as a master plumber.

"NPDES" means the National Pollutant Discharge Elimination System.

"Natural outlet" means any drainage outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New source" means:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located,

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source as the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs b. and c. of paragraph 1. above, but otherwise alters, replaces or adds to existing process or production equipment;

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun or caused to begin as part of a continuous on-site construction program:

i. Any placement, assembly, or installation of facilities or equipment,

ii. Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Noncompliance" means a situation where a person, firm or corporation as defined herein, is exceeding limitations or failing to meet conditions of the permit.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"OSDH" means the Oklahoma State Department of Health, or any state agency succeeding to the jurisdiction of OSDH on matters pertaining hereto.

"pH" is a measure of the acidity or alkalinity of a substance, expressed in standard units (S.U.).

"Passthrough" means a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standard.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

"Pretreatment standards, national pretreatment standards, or standards" as used herein, means prohibitive discharge standards, categorical pretreatment standards and local limits.

"Private disposal system" means that facility owned, operated and maintained by any person, individual, firm, company, association, society, corporation or group for the purpose of collecting and disposing of sewage within the property owned by the person.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food and household waste debris that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sanitary sewer" means a sewer in which all owners of abutting properties have equal rights and is operated or maintained or controlled by the city.

"Public works director" means the public works director or designated representative.

"POTW," Publicly owned treatment works, means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey

wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

"Sand Springs Municipal Authority" means the Public Trust Authority established the 14th day of March, 1966 pursuant to Sec. 176 et seq. of Title 60 of the Oklahoma Statutes for the use and benefit of the City of Sand Springs to finance, operate, construct and administer any public works, improvements or facilities, including but not limited to, water, sewer, solid waste, airport and golf course.

"Sanitary sewage," "domestic sewage" or "sewage" means wastewater which contains human excrement or gray water (showers, dishwashing operations, etc.) normally discharged from dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm water and industrial wastes.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and drainage waters are not intentionally admitted.

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewerage works" means all facilities for collecting, pumping, transporting, treating and disposing of sewage.

"Shall" is mandatory; "may" is permissive.

"Significant industrial users (SIU)" means:

1. Any discharger subject to categorical pretreatment standards; and
2. Any other industrial user that:
  - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters),
  - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
  - c. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement. Upon a finding that a non-categorical user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, upon its own initiative or in response to a petition received from a non-categorical industrial user or POTW and with the consent of the approval authority, determine that such industrial user is not a significant industrial user.

"Standard industrial classification (SIC) code" means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

"State" means the state of Oklahoma;

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than cooling water.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

"Superintendent" means the superintendent of the wastewater treatment plant.

"Suspended solids" means solids that either float on the surface of water, or in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

"User" means a source of indirect discharge.

"Violation" is a situation where a person, as defined herein, is exceeding limitations or failing to meet conditions of the permit which necessitates immediate correction to avoid threatening the POTW or instigating rigorous enforcement actions such as administrative orders, fines or termination of sewer service.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

"Wastewater" means liquid and water-carried industrial wastes, and sewage from residential dwelling, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. (Prior code § 17-302)

### **Section 13.12.030 Required and prohibited connections.**

The following shall be the connections required or prohibited:

A. It shall be prohibited, and a public offense, for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste;

B. It shall be prohibited, and a public offense, to discharge to any natural outlet, within the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this code;

C. Except as hereinafter provided, it shall be prohibited, and a public offense, to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage;

D. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this code, within thirty (30) days after date of official notice to connect.

The following shall be exempted from the requirement of connecting to the City's sewer system:

1. Acreage developments.
2. A residence, building or property used for human occupancy, employment, recreation or other purposes where a public sewer is not located within three hundred (300) feet of the property line as measured along a street, alley, or right-of-way.

Any person, firm or corporation affected by any notice, order, determination or interpretation of the utility provisions of the Code of Ordinances may request and shall be granted a hearing on the matter before the Board of Adjustment of the City of Sand Springs, Oklahoma, provided that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal. Such petition shall be filed within ten (10) days after the day the notice, order, determination or interpretation is issued or rendered. Upon receipt of such a petition, the matter shall be placed upon the agenda of the Board of Adjustment for a hearing at its next regularly scheduled meeting. The petitioner shall be given written notice thereof. At such hearing, the city official shall present any matter or evidence relating to the appeal pending, and thereafter the petitioner shall be given an opportunity to be heard and to show cause which such notice, order, determination or interpretation should be modified or withdrawn. The city official, petitioner, or any other interested party may appear in person or by authorized representative. (Prior code §17-302; 1280, eff. 02/22/2016)

E. In a building in which the building drain is too low to permit gravity flow to the public sanitary sewer, the sanitary sewage shall be lifted by an approved means and discharged to the building sewer or public sanitary sewer;

F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer, and all such connections existing at the date of passage of this code shall be removed immediately;

G. The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the city plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and material must be approved by the City Plumbing Inspector before installation; and

H. The owner of any building or buildings which are connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the city. (Prior code § 17-303)

#### **Section 13.12.040 Private sewage disposal.**

Where a public sanitary sewer is not available under the provisions of the code, the building sewer shall be connected to a private sewage disposal system complying with the following provisions:

A. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the city and the office of the

city-county health department which the applicant shall supplement by any plans, specifications, test results, and other information as are deemed necessary by those departments;

B. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city and the city-county health department. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection, and before any underground portions are covered;

C. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the city and the Oklahoma State Board of Health;

D. The owner shall operate and maintain the private sewage disposal facilities in a proper and sanitary manner at all times, at no expense to the city;

E. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material to the satisfaction of the city; and

F. Private sewage disposal systems shall comply with any additional requirements that may be imposed by the city-county health officer or other authority having jurisdiction thereof. (Prior code § 17-304)

### **Section 13.12.050 Permits required.**

No person, as defined in this chapter, shall uncover, make any connections with or opening into, use, alter, or disturb any public or private sanitary sewer or appurtenance thereof without first obtaining a written permit from the city pursuant to the following provisions:

A. For a building sewer permit the owner or his or her agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. When the application is complete, and all fees associated with the permit have been paid, the city may issue the permit;

B. Each application for building sewer shall be signed by the licensed master plumber responsible for the work to be performed or the City Plumbing Inspector as shown on the application. The work done under the permit shall be supervised by the licensed master plumber and the City Plumbing Inspector;

C. A separate and independent building sewer shall be provided for every individually owned residential or commercial building and each such building shall have its own connection to the public sewer. Multiple ownership of building sewers is prohibited and private ownership of sewers to which the public connects is prohibited and declared a public offense;

D. The size, slope, alignment, and materials of construction of a building sanitary sewer; and the methods to be used in excavation, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the rules and regulations of the city codes;

E. The applicant for the building sewer connection permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the plumbing inspector. No work shall be covered until the inspection and tests have been made and written approval given;

F. Test tees and plugs shall be installed, where the building sewer connects to the wye or stub from the public sanitary sewer, in order that a hydrostatic test may be performed by the plumber in the presence of the plumbing inspector. In the event connection is made to a manhole, no test tee need be installed;

G. Building sewers shall be connected to a public sanitary sewer not smaller than six inches and no larger than twenty-four (24) inches, and only through wye-shaped connections;

H. In the event the building sewer is connected to a manhole, it shall be inserted through the wall not more than two feet above the bottom or a satisfactory drop shall be installed. The connection shall be thoroughly patched inside and out with Portland cement mortar to make a water tight connection; and

I. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to completely protect the public from all hazards. Streets, sidewalks, parkways, and all other property disturbed in the course of the work shall be restored in a manner satisfactory to the City Manager. (Prior code § 17-305)

#### **Section 13.12.060 Permits for disconnecting sewers.**

Before any dwelling or other building having a connection to the sewer system is moved or demolished, the building sanitary sewer shall be disconnected at the adjacent property line. The remaining portion of the building sanitary sewer leading into the public sanitary sewer shall be sealed and made water tight. Prior to the disconnection of any such building sanitary sewer, a permit shall be obtained from the inspections section of the city. After the disconnection seal is made and before the work is covered, the plumbing inspector shall be notified. No work shall be covered until the inspection has been made and the work approved. Written notices of approval shall be given. (Prior code § 17-306)

#### **Section 13.12.070 Prohibited discharge standards.**

A. No user shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. In addition, the following pollutants shall not be introduced into the POTW:

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be more than five percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter;
2. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch.
3. Any wastewater having a pH less than five and five tenths or more than twelve S.U., or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel;
4. Any wastewater containing pollutants including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals;
5. Any noxious or malodorous liquids, gases, solids or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or to prevent entry into the sewer for maintenance and repair;
6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
7. Any wastewater which imparts color which cannot be removed in the treatment process, which consequently imparts color to the treatment plant's effluent thereby violating the POTW's NPDES permit or interferes with the operation of the POTW such as, but not limited to, dye wastes and vegetable tanning solutions;
8. Any wastewater having a temperature higher than sixty-five (65) degrees centigrade, one hundred fifty (150) degrees Fahrenheit, or capable of inhibiting biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees centigrade, one hundred four (104) degrees Fahrenheit;
9. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the industrial pretreatment coordinator in compliance with state or federal regulations;

10. Any free or emulsified fats, waxes, greases or oils of animal or vegetable origin in excess of two hundred (200) mg/L which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit (zero degrees centigrade) and one hundred fifty (150) degrees Fahrenheit sixty-five (65) degrees centigrade and which, in the opinion of the control authority, it appears probable that such wastes:

- a. Can deposit grease or oil in the sewer system in such a manner as to obstruct the sewer;
- b. Can overload the discharger's skimming and grease handling equipment;
- c. Are not amenable to bacterial action and will therefor pass to the receiving stream without being affected by normal sewage treatment process;
- d. Can have deleterious effects on the treatment process due to excessive quantities or concentrations.

11. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower (hp) or greater shall be subject to the review and approval of the plumbing inspector;

12. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference;

13. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause actual worker health and safety problems;

14. Any trucked or hauled pollutants, except at discharge points designated by the city;

15. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the industrial pretreatment coordinator;

16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes;

17. Any medical wastes, except as specifically authorized by the industrial pretreatment coordinator in a wastewater discharge permit;

18. Any wastewater causing the treatment plant's effluent to fail a toxicity test;

19. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW;

20. Any discharge or discharge creating a condition for the POTW or the receiving waters, which violates any statute, rule, regulation or ordinance of any public agency, including EPA and OSHD.

B. Wastes prohibited by this section shall not be processed or stored in such manner that they could be discharged to the POTW.

C. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

D. Except as to categories in subsections 1, 2, 3, 4, 10, 12, 13 and 14 of subsection A of this section, the remaining categories outlined in subsection A of this section, shall be prohibited. When the industrial pretreatment coordinator determines that a user is contributing to the POTW, any of the enumerated substances in such

amounts as to interfere with the operation of the POTW, the superintendent industrial pretreatment coordinator shall take appropriate enforcement action in accordance with the enforcement response plan hereby incorporated herein by reference thereto. (Prior code § 17-307)

**Section 13.12.080 Interceptors for grease.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the industrial pretreatment coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the industrial pretreatment coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his or her expense. (Prior code § 17-308)

**Section 13.12.090 Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Prior code § 17-309)

**Section 13.12.100 Tampering with sewer system prohibited--Penalty.**

No person, as defined in this chapter, shall maliciously, willfully, or knowingly break, alter, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works POTW. Any person violating this provision shall be subject to a fine for each offense and which shall not release any civil liability for damages and costs incident to replacement of the facilities. All persons charged with violation of this provision shall be entitled to trial by jury if required by Oklahoma Statutes. (Prior code § 17-310)

**Section 13.12.110 Compliance monitoring.**

A. Inspection and sampling requirements are as follows:

1. The city will conduct at least one inspection and sampling visit annually for each significant industrial user;
2. The city shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the industrial pretreatment coordinator or his or her representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties:

a. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities;

b. The city, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling or metering of the user's operations;

c. The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy;

d. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected or sampled shall be promptly removed by the industrial user at the written or verbal request of the industrial pretreatment coordinator and shall not be replaced. The costs of clearing such access shall be born by the industrial user; and

e. Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.

B. Search Warrants. If the industrial pretreatment coordinator has been refused access to a building, structure or property or any part thereof, and if the industrial pretreatment coordinator has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the chief of police or any police officer of the city, the judge of the district court of Tulsa County may issue a search or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched or seized on the property described. Such warrant shall be served at reasonable hours by the industrial pretreatment coordinator in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. (Prior code § 17-311)

### **Section 13.12.120 General provisions.**

The plumbing inspector shall inspect and approve all drainage and sewer work installed or to be installed in the city. He or she shall pass judgment upon all connections to private or public property, up to and including the place where such sewer work connects with the soil pipe. He or she shall approve such connections when the same shall conform to the provisions of this chapter, and no such connections shall be allowed without such approval. It is his or her duty to cause all excavations to be properly filled and restored to safe condition of usage. (Prior code § 17-312)

**Section 13.12.130 Ingress.**

The City Manager or any other duly authorized employee of the city shall have the right of ingress and egress to any private or public property for the discharge of their duties hereunder. (Prior code § 17-313)

**Section 13.12.140 Inspection required.**

All drainage of buildings and all sewer work inside of private property lines in the city must be done or installed in accordance with the provisions of this chapter and all other applicable laws; and must be inspected by the plumbing inspector, pursuant to Sections 13.12.170 and 13.12.210 hereinafter, and a certificate of inspection issued therefor before the same may be used or connected with any public sewer, and all sewers and connections in streets or alleys of the city must be inspected by the plumbing inspector. (Prior code § 17-314)

**Section 13.12.150 Inspection fees.**

The plumbing inspector shall charge a fee as set by the City Council on all inspections of each sewer job. An additional fee shall be charged for each extra trip of the plumbing inspector caused by faulty work or work not being completed or ready for inspection when the plumbing inspector is notified to make such inspection. (Prior code § 17-315)

**Section 13.12.160 Certificate of inspection.**

Any person, firm or corporation, as defined in this chapter, making sewer connections must report the connections to the plumbing inspector as soon as the job is ready for inspection, and must keep the connections open for inspection until the inspection and compliance with this and other titles and the statutes of the state applicable thereto are complete, then a certificate of inspection shall thereupon be issued upon the payment of the fees therefor. (Prior code § 17-316)

**Section 13.12.170 Excavations in street or public property.**

No person, as defined in this chapter, shall excavate or cause any excavation in any street, alley, or other public place, or cut or cause to be cut any curb, sidewalk or pavement in the city, in doing or for the purpose of doing any work covered by this chapter, or any other work, without having a permit to do so from the inspections department and without having deposited such sum of money and having entered into such other undertaking as required by this or other chapters of the code of the city, as a guarantee for the replacement and reconstruction of such sidewalk, curb or pavement, approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. The owner shall be responsible for operation and maintenance of private grease, oil and sand traps. (Prior code § 17-317)

**Section 13.12.180 Damages to public property must be repaired.**

All damages to sidewalks, curbs, sewers, paving or other property of the city must be properly repaired or replaced by the person, firm or corporation causing the damage, either by themselves or their agents, servants or employees. (Prior code § 17-318)

**Section 13.12.190 Excavations must be repaired.**

Any person, as defined in the chapter, making, or causing to be made, any excavation in any street, alley or other public place in the city, must cause such excavation to be promptly and carefully refilled and repaired in accordance with this or other chapters of the code of the city, and the failure to do so shall constitute an offense under the provisions hereof. (Prior code § 17-319)

**Section 13.12.200 Inspection within forty-eight (48) hours.**

It is the duty of the plumbing inspector in all cases when notified, to cause inspection of all sewers in connection with sewage drainage within forty-eight (48) hours after receipt of notice from the sewer contractor or person doing the work in question that such work is ready for inspection. Holidays and Sundays shall not be included in computing the forty-eight (48) hour period. (Prior code § 17-320)

**Section 13.12.210 Unlawful to proceed without permit.**

It is unlawful for any person, as defined in this chapter, to proceed with any work connected or to be connected with any sewer system of the city, until a permit for such work has been obtained from the inspections department; provided that no permit shall be required for the making of minor repairs, unless a portion or a section of the drain line or sewer line is out, removed, or replaced. (Prior code § 17-321)

**Section 13.12.220 All plumbing must be accessible for inspection.**

In all buildings or structures hereafter erected in the city, both public and private, and in all buildings already erected wherein any plumbing is hereafter installed, or wherein any sewer connection pipes shall be repaired or changed on the sewer side of the tap, the drain, soil, waste, or any other pipe or pipes, and all traps, shall be placed in the building and exposed to view for ready inspection and test, and shall remain so exposed until approved by the plumbing inspector. In no case shall a trap be inaccessible at any time. (Prior code § 17-322)

**Section 13.12.230 Connection outside building.**

The connection of a sewer pipe to the sanitary sewer main shall be made with a proper tapping saddle, of the quality of a Geneco Sealtite C1, or equal. However, this connection shall not be made until the work inside and outside of the building has been tested and approved and inspected by the plumbing inspector. (Prior code § 17-323)

**Section 13.12.240 Drains connected with sewer.**

It is the duty of each person, as defined in this chapter, connecting or causing to be connected any drain, pipe or passage with any such sewer from any building, structure or premises, to cause such drain, pipe or passage and connection to be at all times adequate for its purpose and of such size and dimension as to convey and allow freely to pass whatever may properly enter the same. Whenever the lowest sewer inlet in a building or structure is less than four feet above the top of the sewer main at the point of connection or junction with the main, then in such event it is the duty of each person, as defined in this chapter, connecting or causing to be connected any sewer pipe to a sewer main to place in the sewer pipe a check valve, of the quality of a Tyler Pipe sewer valve with brass flap (Palmer type) or equal to prevent sewer back-ups in the event the sewer main or sewer pipe connected to the sewer main becomes clogged. Sewer pipe must conform to the requirements set forth in the BOCA, Basic Building Code, as defined in Section 5-201, and be free from defects and cracks and so molded that bells will receive the ends of the pipe freely. The same shall be laid to outlet with an even grade, with a fall of at least one-quarter inch per foot. In laying drain pipe, space must be excavated so that the bell end will have a solid bearing with the entire pipe. Backfilling must be packed up to the top of the pipe. Joints must be properly made and the inside of the joints must be made smooth. Changes of directions must be made with regulation curves, and all connections made with wide junctions. Ends not in immediate use must be tightly stopped to prevent dirt from entering the pipe. (Prior code § 17-324)

**Section 13.12.250 Fiber pipe not allowed.**

No fiber type pipe or fittings shall be used or permitted to be used for connection to the city sewage disposal system. (Prior code § 17-325)

**Section 13.12.260 Prohibited sewer connections.**

No roof or surface water drain pipe shall be connected so as to discharge into a sanitary sewer. No dam or other construction shall be placed in any sewer, unless permission to do so is expressly granted in writing by the city. In case any material discharged from any premises into any public or private sewer cannot, in the opinion of the city be rendered harmless to the public sewer and to the public health, such material shall be ordered excluded from any public, private, or district sewer. The city shall, in writing, notify the person or persons owning or occupying such premises to exclude such material from the sewer, and a failure to comply with such notice shall constitute a violation of this chapter. If catchbasins are needed to accomplish such exclusions, the written notice shall direct the building of such catchbasins, within thirty (30) days after serving of such notice. If after the expiration of the thirty (30) days the order shall not be complied with, the person, firm or corporation owning or controlling the premises shall be deemed guilty of a violation of this chapter. Where no sanitary sewers are accessible, sinks shall waste through a grease trap and not less than thirty (30) feet of filled tile disposal. (Prior code § 17-326)

**Section 13.12.270 Drainage obstructions.**

If the drainage discharged from any home, business, or establishment shall produce or form a deposit obstructing a sewer, the plumbing inspector shall immediately cause the removal of the obstruction, keeping account of the cost of such removal, and shall certify an account of the cost to the person or persons causing the obstruction; and if such person or persons shall fail, refuse or neglect to pay the sum to the city within five days after demand has been made, they shall be guilty of a public offense. (Prior code § 17-327)

**Section 13.12.280 Separate drainage for every building.**

Every building shall be separately and independently connected with a public sewer, where there is any such sewer adjacent to such building. The entire plumbing and drainage system of each building shall be entirely separate and independent from that of every other building, except that where there is more than one building on the lot, the sewer of the first building may be extended to serve the adjoining building on permission granted by the city which permission shall be in writing. A lot shall be any plot of ground, regardless of size, containing one dwelling and one garage or servant's quarters. Each and every house occupied or to be occupied as a residence, other than servant's quarters, must have a separate drain to the connection with the sewer. (Prior code § 17-328)

**Section 13.12.290 Sewer installation to be underground.**

All sewers shall be put in the ground at a sufficient depth to be safe from breaking by the ordinary use to which such property may be subjected. All sewer pipe must be placed at least eighteen (18) inches below the top of the ground measured from the top of such pipe, except when such depth is impossible or impracticable for lack of fall, in which case iron pipe caulked with lead shall be used between the building and the point where the depth above-mentioned may be acquired. (Prior code § 17-329)

**Section 13.12.300 Apportionment of cost for connection of property outside sewer district.**

When public sewers have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the city, and the owner of any abutting property makes application for a permit to tap such sewer, no permit shall be issued to such abutting owner unless he or she shall have first paid to the city the assessment or assessments levied against the property for the cost of the sewer, or in the case where his or her property has not been assessed or where any intended assessment has been held invalid or considered invalid by the city, unless he or she pays a sum proportionate to that paid by other similar property owners who have been assessed. (Prior code § 17-330)

**Section 13.12.310 Property outside sewer district--How connected.**

Any person, as defined in this chapter, owning property or in charge of property not included in any sewer district which has been established, desiring to connect with

the sewer owned and operated by the city nearest the property owned by such person, as defined in this chapter, shall first file with the city a written application therefor, signed by the person, as defined in this chapter, giving the legal description of the property and waiving any right to protest any assessment levied against the property for the subsequent installation of such sewer, providing the assessment is of the same proportion as assessments upon other property affected by the installation of the sewer. The plumbing inspector, upon receiving the application, shall make an inspection of the property specified in the application and if found practicable and that the connection will not be likely to overload the sewer if connected thereto, shall grant the permit. The fee for the permit shall be as set by the City Council, the fee to be collected prior to the time any permit is issued. (Prior code § 17-331)

**Section 13.12.320 Penalty provisions.**

Any person, as defined in this chapter, found to be violating any provisions of this chapter, except Section 3.12.110, shall be served written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations:

A. The owner of any building drains and building sanitary sewers and any private disposal system shall keep such facilities clean and in good repair. Failure to comply with written notice by the city to make repairs or remove violations including those existing at the time of passage of this chapter, shall subject the violator to fine and punishment as provided in Section 1.20.010 of this code. Each day of continued violation shall constitute a separate chargeable offense; and

B. Any person, as defined in this chapter, found guilty of violating any of the provisions of this chapter, or refusing to connect with the public sanitary sewer within the time prescribed by proper order, on conviction thereof, shall be punished by fine which shall not release any civil liability. Each day of continued violation shall constitute a separate offense. (Prior code § 17-332)

**Section 13.12.330 Wastewater discharge permit eligibility.**

A. Wastewater Survey. When requested by the industrial pretreatment coordinator all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The industrial pretreatment coordinator is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the chapter.

B. Wastewater Discharge Permit Requirement.

1. It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the industrial pretreatment coordinator. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in the enforcement

response plan. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law; and

2. The industrial pretreatment coordinator may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Wastewater Discharge Permitting Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after the date, apply to the city for a wastewater discharge permit in accordance with subsection E, wastewater discharge permit application contents, of this section.

D. Wastewater Discharge Permitting New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least thirty (30) days prior to the date upon which any discharge will begin.

E. Wastewater Discharge Permit Application Contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 13.12.410, baseline monitoring reports, of this chapter. The industrial pretreatment coordinator shall approve a form to be used as a permit application. In addition, the following information may be requested:

1. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

2. Number and type of employees, hours of operation, and proposed or actual hours of operation of the POTW;

3. Each product produced by type, amount, process or processes, and rate of production;

4. Type and amount of raw materials processed (average and maximum per day);

5. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

6. Time and duration of the discharge; and

7. Any other information as may be deemed necessary by the industrial pretreatment coordinator to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

F. Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (Prior code § 17-333)

**Section 13.12.340 Wastewater discharge permit issuance process.**

A. Wastewater Discharge Permit duration: wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the industrial pretreatment coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

B. Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the industrial pretreatment coordinator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits applicable to the user based on applicable standards in federal, state, and local law;

d. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

f. Requirements to control slug discharges if determined necessary pursuant to Section 13.12.400 Accidental discharge/slug control plans. (1209, Amended, 01/24/2011)

2. Wastewater discharge permits may contain, but need not be limited to, the following:

- a. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
- b. Limits on the instantaneous, daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
- c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharge to the POTW (1209, Amended 01/24/2011);
- e. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW (1209, Amended 01/24/2011);
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment (1209, Amended 01/24/2011);
- g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; or (1209, Amended 01/24/2011);
- h. Other conditions as deemed appropriate by the industrial pretreatment coordinator to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (1209, Amended 01/24/2011)

C. Wastewater Discharge Permit Appeals. Any person, as defined in this chapter, including the industrial user, may petition the city to appeal the denial or the terms of a wastewater discharge permit within thirty (30) days of its denial or issuance. Such appeal shall be perfected by filing with the public works director, within the time provided, a written appeal petition.

1. Failure to submit a timely petition for review appeal shall be deemed to be a waiver of the administrative appeal;
2. In its written appeal petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit;
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal;
4. If the public works director fails to act within thirty (30) days of the filing of such appeal, an appeal request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review; and
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the district court clerk for Tulsa County, state of Oklahoma, within ten (10) days from the date of such denial.

D. Wastewater Discharge Permit Modification. The industrial pretreatment coordinator may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

E. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the industrial pretreatment coordinator and the industrial pretreatment coordinator must include a written certification by the new owner or operator which:

1. States that the new owner or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

F. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the city of significant change to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the city of changed condition pursuant to subsection E of Section 13.12.410. Report of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the city timely access to the facility premises and records;

7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

G. **Wastewater Discharge Permit Issuance.** A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with subsection E of Section 13.12.330, wastewater discharge permit application contents, a minimum of thirty (30) days prior to the expiration of the industrial user's existing wastewater discharge permit. (Prior code § 17-334)

#### **Section 13.12.350 Confidential information.**

Information and data on an industrial user obtained from reports, questionnaires, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from city inspections and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Prior code § 17-335)

#### **Section 13.12.360 Federal categorical pretreatment standards.**

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated herein verbatim. (Prior code § 17-336)

**Section 13.12.370 Specific pollutant limitations.**

1. The following pollutant limits are established to protect against pass through and interference. No discharge of wastewater containing in excess of the following concentrations shall be permitted:

<b>Pollutant</b>	<b>Limitation (mg/L)</b>
Arsenic	00.93
Cadmium	00.66
Chromium (Total)	81.63
Chromium III	42.42
Chromium IV	04.78
Copper	04.29
Cyanide	08.57
Lead	11.97
Mercury	00.33
Nickel	12.04
Silver	02.79
Selenium	02.30
Zinc	22.65

(1432, amended 03/24/2025, eff. 03/29/2025)

2. These are uniform concentration limits and apply to all users at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his or her discretion, the industrial pretreatment coordinator may impose mass limitations in addition to or in place of the concentration based limitations above.

B. The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

C. In addition, the city shall reserve the right to prohibit the discharge of wastewater which exceeds two hundred fifty (250) milligrams per liter (mg/L) biochemical oxygen demand (BOD) or two hundred fifty (250) mg/L total suspended solids (TSS). In the event the city elects to accept wastewater which contains BOD or TSS in excess of the two hundred fifty (250) mg/L threshold concentration, a surcharge shall be assessed. This surcharge shall be calculated as follows:

Industrial Surcharge = V (A (BOD - 250) + B (TSS - 250))

Where V equals total volume of wastewater discharged in gallons per month;

A equals BOD surcharge in dollars per gallon of wastewater;

BOD equals the measured concentration of biochemical oxygen demand (five days at twenty (20) degrees centigrade) in mg/L (ppm) of the wastewater;

B equals TSS surcharge in dollars per gallon of wastewater;

TSS equals the measured concentration of Total Suspended Solids in mg/L (ppm) of the wastewater. (Prior code § 17-337; Ord. 877, § 1 (part), eff. August 14, 1995)

### **Section 13.12.380 City's right of revision.**

The city reserves the right to establish, by or in wastewater permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the general and specific prohibitions of this chapter. (Prior code § 17-338)

### **Section 13.12.390 Dilution.**

No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. (Prior code § 17-339)

### **Section 13.12.400 Accidental discharge/slug control plans.**

The industrial pretreatment coordinator may require any industrial user to develop and implement an accidental discharge/slug control plan. The pretreatment coordinator shall evaluate whether each significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within one (1) year of being designated a significant industrial users. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 13.12.070; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance

of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response. (Prior code § 17-340; 1209, Amended 01/4/2011)

**Section 13.12.410 Reporting requirements.**

A. Baseline monitoring reports:

1. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the city a report which contains the information listed in subsection 2 below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in subsection 2 below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

2. The industrial user shall submit the information required by this section including:

a. Identifying Information. The name and address of the facility, including the name of the operator and owners;

b. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility;

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POW from the regulated processes;

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);

e. Measurement of Pollutants.

i. Identify the categorical pretreatment standards applicable to each regulated process,

ii. Submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.090, analytical requirements,

iii. Sampling must be performed in accordance with procedures set out in subsection J, sample collection, of this section.

f. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements;

g. Compliance Schedule. If additional pretreatment or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

h. All baseline monitoring reports must be signed and certified in accordance with subsection F of Section 13.12.330; and

i. All notices and self-monitoring reports required by EPA regulations.

B. Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by baseline monitoring reports in subsection (A)(2)(g) above. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (Such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation.). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the industrial pretreatment coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the industrial pretreatment coordinator.

C. Report On Compliance With Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in this section on baseline monitoring reports in subsection (A)(2)(d) through (f) above. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection F of Section 13.12.330.

D. Periodic Compliance Reports.

1. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the industrial pretreatment coordinator but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with subsection F of Section 13.12.330. Analysis and sampling of discharges shall be performed in accordance with sections 13.12.090, analytical requirements and 13.12.410, subsection J, maple collection, respectively.

2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge;

3. If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 13.12.090 and 13.12.410, of this program, the results of this monitoring shall be included in the report.

E. Report of Changed Conditions. Each industrial user is required to notify the industrial pretreatment coordinator of any planned significant changes of the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change:

1. The industrial pretreatment coordinator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection E of Section 13.12.330;

2. The industrial pretreatment coordinator may issue a new wastewater discharge permit or modify an existing wastewater discharge permit;

3. No industrial user shall implement the planned changed condition until and unless the industrial pretreatment coordinator has responded to the industrial user's notice;

4. For purposes of this requirement the discharge of any previously unreported pollutants shall be deemed significant.

F. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 13.12.070 of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user;

2. Within five days following such discharge, the industrial user shall, unless waived by the industrial pretreatment coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter;

3. Failure to notify the city of potential problem discharge shall be deemed a separate violation of this chapter;

4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of discharge described in subsection 1(F)(1), above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

G. Reports From Non-significant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the industrial pretreatment coordinator may require.

H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. The industrial user is not required to resample if the City performs monitoring at the industrial user's at least once a month, or if the City performs sampling between the industrial user's initial sampling and when the industrial or the City user received the results of this sampling.

I. Notification of the Discharge of Hazardous Waste.

1. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in

the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection E of this section, report of changed conditions, above. The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements of sections on baseline monitoring reports, report on compliance with categorical pretreatment standard deadline and periodic compliance reports, above;

2. Dischargers are exempt from the requirements of subsection (I)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification;

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations; or

4. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

#### J. Sample Collection.

1. The reports required in section 13.12.410, subsections A, C, D and G, of this program must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable retreatment standards and requirements.

2. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling is authorized by the control authority, samples must be representative of the discharge and the decision to allow the alternative the sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: For Cyanide, total

phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority as appropriate.

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in section 13.12.410, subsections A and C of this program, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the control authority may authorize a lower minimum. For the reports required the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

K. Determination of Noncompliance. The industrial pretreatment coordinator may use grab samples to determine noncompliance with pretreatment standards.

L. Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the industrial pretreatment coordinator. (Prior code § 17-34; 1209, Amended 0/24/2011)

#### **Section 13.12.420 Monitoring facilities.**

A. The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city. (Prior code § 17-342)

#### **Section 13.12.430 Pretreatment.**

A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal

Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. Whenever deemed necessary, the industrial pretreatment coordinator may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

C. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. (Prior code § 17-343)

#### **Section 13.12.440 Publication of industrial users in significant non-compliance.**

These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1), for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard of requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria [TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH]

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.491 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through including endangering the health of city personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Prior code § 17-344; 1209, Amended 01/24/2011)

#### **Section 13.12.450 Emergency suspensions.**

A. The city may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed;

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city, prior to the date of any show cause or termination hearing under Section 13.12.480, show cause hearing.

B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Prior code § 17-345)

#### **Section 13.12.460 Revocation of permit.**

A. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the city of changed condition pursuant to subsection E of Section 13.12.410, report of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the city timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

B. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. (Prior code § 17-346)

#### **Section 13.12.470 Notification of violation.**

Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. (Refer to Enforcement Response Plan) (Prior code § 17-347)

#### **Section 13.12.480 Show cause hearing.**

Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user. (Prior code § 17-348)

#### **Section 13.12.490 Injunctive relief.**

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirements, the public works director may petition the district court of Tulsa County, state of Oklahoma, through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the industrial users. Such other action as appropriate for legal or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action. (Prior code § 17-349)

**Section 13.12.500 Right of appeal.**

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City Attorney on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter, for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with applicable state and local laws. (Prior code § 17-350)

**Section 13.12.510 Civil penalties.**

Any user who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not to exceed one thousand dollars (\$1,000.00) or any greater amount as may be allowed by state law, including costs for each violation; provided however, the user may in addition thereto be assessed as additional civil penalty, the amount of any civil penalty incurred by the city, from the Environmental Protection Agency of the United States government or successor thereto as a result of users violation, and any cost associated therewith. Each day on which a violation shall occur or continue shall be deemed as separate and distinct violation. In addition to the penalties, provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. The penalty provided hereunder shall be deemed cumulative with any other enforcement provision contained in this chapter. (Prior code § 17-351)

**Section 13.12.520 Falsifying information.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished as provided in Section 1.20.010 of this code and their permit may be ordered revoked. Each falsification shall be considered a separate offense. (Prior code § 17-352)

**Section 13.12.530 Accepting jurisdiction.**

Any person, firm or corporation who applies for and receives a permit under the provisions of this chapter and connects to the POTW thereby accepts the jurisdiction of the city to enforce the requirements and penalties set out, whether within or without the corporate limits. (Prior code § 17-353)

**Section 13.12.540 Summary disconnection.**

Any connection to the POTW made without a permit as required by this chapter shall be immediately disconnected and plugged without notice. (Prior code § 17-354)

**Section 13.12.550 Criminal prosecution.**

A. Any user that willfully or negligently violates any provision of this chapter, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in subsection A of Section 1.20.010 per violation per day.

B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to punishment as provided in subsection A of Section 1.20.010 of this code. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished as provided in subsection B of Section 1.20.010 of this code.

D. In the event of a second conviction, a user shall be punished as provided in subsection A of Section 1.20.010 of this code per violation per day. (Prior code § 17-355)

**Section 13.12.560 Affirmative defenses to discharge violations.**

A. Upset.

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation;

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C are met;

3. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the industrial user can identify the cause of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c. The industrial use has submitted the following information to the industrial pretreatment coordinator and treatment plant operator immediately after becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

- i. A description of the indirect discharge and cause of noncompliance,
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and
- iii. Steps being taken or planned to reduce, eliminate and prevent occurrence of the noncompliance.

4. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

5. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards;

6. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored to an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 13.12.070 of this chapter if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with its discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the use's prior discharge when the city was regularly in compliance with its NPDES permit and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass.

1. Definitions are:

a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility;

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section;

3. Notification:

a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible;

b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the industrial pretreatment coordinator immediately after it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass;

4. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The industrial user submitted notices as required under subsection 3 of this section.

5. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection 4 of this section. (Prior code § 17-356)

## Chapter 13.16

### STORM WATER DRAINAGE SYSTEM

#### Sections:

- 13.16.010 Storm Water Drainage System is a Public Utility**
- 13.16.020 Definitions**
- 13.16.030 Service Charges and Exemptions**
- 13.16.040 Rate Schedule**
- 13.16.050 Collection of Service Charge**
- 13.16.060 Adjustment of Charge, Appeal**

#### **Section 13.16.010 Storm Water Drainage System is a Public Utility**

The storm water drainage system of the City is hereby declared to be a public utility, and a proper source of revenue for the upkeep, repairs, extension and maintenance of the storm water drainage system and other governmental purposes. (1080, Amended, 06/14/2004)

#### **Section 13.16.020 Definitions**

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

City - City of Sand Springs, Oklahoma.

Developed Real Estate - 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.

Director - the Director of the Public Works Department of the City of Sand Springs and/or their designated representative.

Equivalent Service Unit - two thousand six hundred fifty (2,650) square feet of impervious surface.

Impervious Surface - 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 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.

Service Charge - the fee levied within the boundaries of the City for the use of the City's storm water drainage facilities.

Undeveloped Real Estate - real estate unaltered by the construction or addition of any impervious surface which would change the hydrology of the property from its natural state.

Retention or Detention Facilities - facilities designed to hold storm water for a short period and then release it to the natural watercourse or to hold storm water for a sufficient lengthy of time to provide for it to be consumed by evaporation, infiltration into the soil or other natural means.

Residential Property - 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 Sand Springs Zoning Code at the time of development of such property.

Storm Water Drainage System - 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 storm water wherever located and including, but not limited to, storm sewers, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private. (1080, Amended, 06/14/2004)

### **Section 13.16.030 Service Charges and Exemptions**

A. There is hereby established a service charge for the use of the City's storm water 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 Storm Water Utility Fund. (1080, Amended, 06/14/04)

### **Section 13.16.040 Rate Schedule**

The City Council of the City of Sand Springs shall establish rates for each Equivalent Service Unit assigned to a lot, tract or parcel of real estate, or portion thereof, as herein provided.

A. Residential Property - Residential Property within the corporate limits of the City is hereby assigned one Equivalent Service Unit for each developed lot, tract or parcel of record with the County Clerk. However, in the case of duplex development with two (2) dwelling units on the same lot, tract or parcel, an Equivalent Service Unit will be assigned to each dwelling unit.

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 Unit(s) to be assigned to such lots, tracts or parcels.

C. 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 may receive an adjustment in monthly service charges for use of the City's storm water

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.
4. 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 service charge rates.

D. Additional Credits. In addition to the credits set forth in Paragraph C above, the Director shall have the right to grant additional credits as follows:

1. For any facility with an existing, valid, general NPDES permit, the Director shall grant a credit equal to 10-percent of the monthly fee.
2. For any facility with an existing, valid, individual NPDES permit that precludes discharge into the City of Sand Springs storm water drainage system, the Director shall grant a credit equal to 50-percent of the monthly fee.
3. For any facility that does not discharge storm water into the City of Sand Springs storm water drainage system, the Director may grant an additional credit not to exceed 10-percent of the monthly fee.

E. Total Credits. The total amount of credits allowed pursuant to this ordinance shall not exceed 50-percent of the monthly fee. (1117, Amended, 10/10/2005)

### **Section 13.16.050 Collection of Service Charge**

The service charges herein established for the use of the City's storm water 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. All collecting agencies authorized by the City to accept payment of City utility bills are hereby directed to advise customers of the provisions of this section. In the event that any person, firm or corporation shall tender as payment of water service, sewer service, collection of solid waste service and/or service charge for the use of the City's storm water drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the service charge for the use of the City's storm water drainage system, second to the charges for collection of solid waste, third to the charge for sanitary sewer service and last to the charges for water service. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

In the event that any utility account shall become delinquent, water services may be terminated by the City until all charges for the use of the City's storm water drainage system, collection of solid water service, sanitary sewer service and water service shall be paid in full. The provisions for collection provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

In the case of users of real estate who are not billed for water, sanitary sewer or collection of solid waste, the owner or 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 circumstances shall not affect the validity of the remainder of this section or the validity of its application to other persons or circumstances. (1080, Added, 06/14/2004)

### **Section 13.16.060 Adjustment 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 Sand Springs City Council by written notice of appeal filed with the City Clerk within ten (10) days of decision by the Director. (1080, Added, 06/14/2004)

## Chapter 13.20

### FLOODPLAIN DAMAGE PREVENTION

#### Sections:

- 13.20.010 Statutory Authorization, Findings of Fact, Purpose and Methods**
- 13.20.020 Definitions**
- 13.20.030 General Provisions**
- 13.20.040 Administration**
- 13.20.050 Provisions for Flood Hazard Reduction** (Amended 1360, appd. 12/14/2020, eff. 12/23/2020)

#### **Section 13.20.010 Statutory Authorization, Findings of Fact, Purpose and Methods.**

A. Statutory Authorization: The Legislature of the State of Oklahoma has in statutes 82 O.S. §§1601-1620.1, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Sand Springs, Oklahoma, does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the City of Sand Springs are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Osage County, Oklahoma and Incorporated areas" dated April 2, 2008, AND "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated areas" dated October 16, 2012, with the most effective Flood Insurance Rate Maps (FIRM). However, the existing flood damage prevention ordinance for the City of Sand Springs, Oklahoma shall remain in effect until October 16, 2012. (Amended by Ord. 1228, 08/27/2012.)

C. Statement of Purpose:

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
  7. Insure that potential buyers are notified that property is in a flood area.
- In order to accomplish its purposes, this ordinance uses the following methods:
- D. Methods of Reducing Flood Losses:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
  4. Control filling, grading, dredging and other development which may increase flood damage;
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section 13.20.020 Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Area of Future Conditions Flood Hazard – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of Shallow Flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 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.

Area of Special Flood Hazard - is the land in the floodplain within a community subject to a 1 percent 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, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A.

Base Flood - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – means the elevation in feet above mean sea level of the Base Flood or 1% chance flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Board – means the Oklahoma Water Resources Board.

Breakaway Wall – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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.

Development - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and 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.

Existing Construction - means for the purposes of determining 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. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood, as well as the floodway width, section area and mean velocities.

Floodplain Administrator – means a person accredited by the Board and designated to administer and implement laws and regulations relating to the management of floodplains.

Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 area 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.

Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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 unloading of cargo or passengers, ship building and ship repair facilities, and mining activities as permitted by the State of Oklahoma Department of Mines, but does not include long-term storage or related manufacturing facilities.

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

Historic Structure - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior or;

b. Directly by the Secretary of the Interior in states without approved programs.

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.

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.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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.

Manufactured Home - means a structure transportable in one 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. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area – see *Area of Special Flood Hazard*

Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of 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 and/or walkways; nor does it include excavation for basement, footings, 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal

or exceed 50 percent of the assessed value as determined by the County Assessor's office, before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value as determined by the County Assessor's office before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), or (d)(3) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **Section 13.20.030 General Provisions.**

A. Lands to which this ordinance applies:

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Sand Springs, Oklahoma.

B. Basis for establishing the areas of Special Flood Hazard:

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Osage County, Oklahoma and Incorporated areas" dated April 2, 2008, AND "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated areas" dated October 16, 2012, with the most effective Flood Insurance Rate Maps (FIRM). However, the existing flood damage prevention ordinance for the City of Sand Springs, Oklahoma shall remain in effect until October 16, 2012. (Amended by Ord. 1228, 08/27/2012.)

C. Establishment of Development Permit:

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

D. Compliance:

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation:

In the interpretation and application of this ordinance, all provisions shall be;

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer or Liability:

The degree of flood protection required by this ordinance 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. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**Section 13.20.040 Administration.**

A. Designation of the Floodplain Administration:

The Public Works Department Project Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Floodplain Administrator:

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit applications to determine whether the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding. (Ord 1187, amended 07/27/2008)
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 13.20.030, Subsection B, the Floodplain Administrator 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 the provisions of Section 13.20.050.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601 1618, as amended.

12. After a disaster or other type of damage occurrence to structures, determine if the residential & non-residential structures & manufactured homes located in the SFHA have been substantially damaged and enforce the substantial improvement requirement.

C. Permit Procedures:

1. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
  - c. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Section 13.20.050, Section B (2);
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  - e. Maintain a record of all such information in accordance with Article 4, Section (B)(1);
2. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. 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;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - j. The relationship of the proposed use to the comprehensive plan for that area.
- D. Variance Procedures:
- 1. The City Council, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.
  - 2. The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
  - 3. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
  - 4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued 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 the remainder of this ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 13.20.101, Section C). (Ord. 1187, amended 07/27/2008)

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

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

b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 13.20.040, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 1187, amended 07/27/2008)

### **Section 13.20.050 Provisions for Flood Hazard Reduction.**

A. General Standards:

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located a minimum of one foot (1ft) above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding. (Amended 1360, appd. 12/14/2020; eff. 12/23/2020.)

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 13.20.030, Subsection B, (ii) Section 13.20.040, Subsection B (8), or (iii) Section 13.20.050, Subsection C (3), the following provisions are required: (Ord. 1187, amended 07/27/2008)

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of 1 foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 13.20.040, Subsection C (1) a., is satisfied. (Ord. 1187, amended 07/27/2008)

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below 1 foot above 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 and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the

specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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 or exceed the following minimum criteria:

a. A minimum of two openings on separate walls having a total net area of not less than 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 1 foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes –

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage and have the bottom of the I Beam elevated at a minimum of 1 foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that

1. The bottom of the I-beam of the manufactured home is at a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for

fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structure –
  - a. Structure is low valued and represents a minimal investment.
  - b. Structure shall be small and not exceed 600 square feet in size.
  - c. Structure shall be unfinished on the interior.
  - d. Structure can be used only for parking and limited storage.
  - e. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
  - f. Service facilities such as electrical and heating equipment shall be elevated at a minimum of one (1) foot above the BFE.
  - g. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
  - h. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.
  - i. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
  - j. Floodway requirements must be met in the construction of the structure.
  - k. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.
  - l. Structure is to be located so as not to cause damage to adjacent and nearby structures.

C. Standards for Subdivision Proposals:

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 13.20.010, Subsections B, C, and D of this ordinance. (Ord. 1187, amended 07/27/2008)
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 13.20.030, Subsection C; Section 13.20.040, Subsection C; and the provisions of Section 13.20.050 of this ordinance. (Ord. 1187, amended 07/27/2008)
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 13.20.030, Subsection B or Section 13.20.040, Subsection B (8) of this ordinance. (Ord. 1187, amended 07/27/2008)
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

6. All subdivision proposals including manufactured home parks and subdivisions shall have the boundary lines of the fully urbanized 100 year floodplain delineated on the face of the plat, and shall have the following certification: "The contents of the fully urbanized 100 year floodplain are contained within the drainage easements and/or reserves as shown."

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

Located within the areas of special flood hazard established in Section 13.20.030, Subsection B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 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; therefore, the following provisions apply: (Ord. 1187, amended 07/27/2008)

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures;

a. have the lowest floor (including basement) elevated to a minimum of 1 foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified), or

b. together with attendant utility and sanitary facilities be designed so that below 1 foot above the base specified flood depth in an AO Zone, or below 1 foot above the Base Flood Elevation in an AH Zone, 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.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 13.20.040, Subsection C are satisfied. (Ord. 1187, amended 07/27/2008)

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways - located within areas of special flood hazard established in Section 13.20.030, Subsection B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply: (Ord. 1187, amended 07/27/2008)

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Section 13.20.050, Subsection E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 13.20.050. (Ord. 1187, amended 07/27/2008)

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community complies with all of 44 CFR Chapter 1, Section 65.12.

F. Severability:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

G. Penalties for Non-Compliance:

1. Any person, firm, corporation or other legal entity violating the requirements of this chapter or any conditions made pursuant thereto, shall be guilty of an offense and, upon conviction thereof, shall be fined the maximum amount allowed by law. Each day's violation thereof shall constitute a separate offense.

2. In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this chapter or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, obstructions or improvements, nor prevent the enforcement, correction, or removal thereof.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

H. Repealer:

All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of the conflict.

(1160, Adopted 03/24/2008; 1187, Amended 07/27/2009)

## Chapter 13.30

### STORMWATER DISCHARGE REGULATIONS

#### Sections:

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#### **Section 13.30.010 Authority and Scope**

The introduction and contribution of pollutants or other materials into the City's Municipal Separate Storm Sewer System within the city limits of the City of Sand Springs shall be regulated by the City of Sand Springs, Oklahoma, in compliance with all applicable federal and state laws, rules and regulations. Specifically, the City of Sand Springs, or agents thereof, shall regulate and/or administer:

- A. Contribution of pollutants into the City's Municipal Separate Storm Sewer System through the stormwater discharges of any user.
- B. Introduction into the City's Municipal Separate Storm Sewer System of spills, dumping, or the disposal of materials other than stormwater.
- C. Prohibition of illicit discharges into the City's Municipal Separate Storm Sewer System.
- D. Inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this ordinance.
- E. Compliance with conditions of the City's Stormwater Discharge Permit and/or permits issued by federal and/or state agencies, as well as any other federal or state law, rule or regulation pertaining to stormwater quality.

### **Section 13.30.020 – Illicit Discharges Prohibited**

A, It shall be unlawful and an offense against the Code of Ordinances of the City of Sand Springs, Oklahoma, for any person to willfully, knowingly or otherwise through neglect or foreseeable circumstance, to cause or permit, directly or indirectly, any contribution or introduction of pollutants through illicit discharges into the City's Municipal Separate Storm Sewer System.

B. The Public Works Director, or designees thereof, shall be authorized to regulate, monitor and enforce all municipal ordinances, rules and regulations regarding illicit discharges of pollutants into the City's Municipal Separate Storm Sewer System.

### **Section 13.30.030 – Definitions and Abbreviations.**

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

Act - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq., and all future amendments or successions thereto.

Best Management Practice - The best available practices or devices that, when used singularly or in combination, eliminate or reduce the contamination of surface waters, ground waters, or both. Best Management Practices shall be divided into the following categories:

1. Nonstructural Best Management Practices - Those practices which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on site.

2. Structural Best Management Practices - Those practices which require the construction of a structure or other physical modification on the site.

City - The City of Sand Springs, Oklahoma, a municipal corporation, and its duly authorized officers, agents and employees.

Composite Sample - A sample of stormwater runoff, resulting from the combination of individual samples taken at selected intervals, based on an increment of either flow or time.

Director - The Public Works Director of the City of Sand Springs, Oklahoma, or his or her authorized designees, including employees and agents thereof.

Discharge - Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the City's Municipal Separate Storm Sewer System, or into waterways within or affecting the city limits of the City of Sand Springs, Oklahoma.

Environmental Protection Agency - 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 said agency.

Floatable - 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.

Grab Sample - A sample of stormwater runoff which is taken on a one-time basis, without regard to the flow and consideration of time.

Illicit Discharge - Any person who willfully, knowingly or otherwise through neglect or foreseeable circumstance, causes or permits, directly or indirectly a discharge to the City's Municipal Separate Storm Sewer System that is not composed entirely of stormwater, except discharges pursuant to Section 13.20.040 of this chapter, or discharges resulting from allowable firefighting activities.

Industrial Activity - 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 - Any premises whose function is classified in the latest edition of the federal Standard Industrial Classification Manual, also known as the SIC code manual.

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

Monitoring - 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 - A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains and all other manner of structures, facilities or appurtenances that are owned or otherwise operated or controlled by the City of Sand Springs, Oklahoma, and are designed or used for collecting or conveying stormwater.

OPDES Storm Water Discharge Permit - 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 Associated 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), or any other named state agency charged with administering same, or any revision thereof or amendment thereto.

Outfall - A point source as defined in this chapter.

Overburden - Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface material that are not disturbed by mining operation.

Person - 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 - 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 - 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, agricultural 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 - Any plot or tract of ground, regardless of size or plat, that is owned by a person or used by a person, and any contiguous plots.

Significant Materials - 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.

Spill - 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, or causes damaging or deleterious effects to the City's Municipal Separate Storm Sewer System, including all structures or appurtenances, or creates any violation of this chapter.

Stormwater - Any rainwater runoff, surface runoff and drainage related to storm events or snow melt.

Stormwater Pollution Prevention Plan - A document approved by the Oklahoma Department of Environmental Quality or successor agency that specifies practices, facilities and other applicable measures intended to mitigate contributions of pollutants into the City's Municipal Separate Storm Sewer System from a premises where construction activity is occurring or ongoing.

Stormwater Discharge Associated with Industrial Activity - 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 - Any source of direct or indirect discharge into the City's Municipal Separate Storm Sewer System.

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

BAT – Best Available Technology  
 BMP – Best Management Practices  
 BOD – Biochemical Oxygen Demand  
 CFR – Code of Federal Regulations  
 COD – Chemical Oxygen Demand  
 EPA – United States Environmental Protection Agency  
 OAC – Oklahoma Administrative Code  
 NOI – Notice of Intent  
 NOV – Notice of Violations  
 NPDES – National Pollutant Discharge Elimination System  
 ODEQ – Oklahoma Department of Environmental Quality  
 OPDES – Oklahoma Pollutant Discharge Elimination system (See Oklahoma Administrative Code (OAC), title 252, Chapter 606, § 252:606-1-1 et seq., as amended)  
 RCRA – Resource Conservation and Recovery Act of 1976 (Pub.L. 94-580, Oct. 21, 1976, 90 Stat. 2795, as amended)  
 RQ – Reportable Quantities  
 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, et seq., as amended)  
 USC – United States Code

**Section 13.30.040 – Allowable Discharges.**

A. The following types of discharges shall not be prohibited discharges unless the Director determines that the type of discharge, whether singularly or in combination with others, causes contamination of surface water, stormwater or groundwater; causes overload or damage to the City’s Municipal Separate Storm Sewer System or has the potential to endanger public health, safety and welfare; or causes the City to violate any federal and/or state stormwater permits:

1. Waterline flushing
2. Landscape irrigation
3. Diverted stream flows
4. Rising ground waters
5. Residential building wash water without detergents
6. Uncontaminated pumped groundwater
7. Uncontaminated groundwater infiltration
8. Discharges from potable water sources
9. Foundation drains
10. Air conditioning condensate
11. Irrigation water
12. Springs
13. Water from crawl space pumps

14. Footing drains
15. Lawn watering
16. Individual residential car washing
17. De-chlorinated swimming pool discharges
18. Street wash water
19. Fire hydrant flushing
20. Non-commercial or charity car washes
21. Discharges from riparian areas and wetlands
22. Discharges in compliance with a separate OPDES or NPDES permit.
23. Discharges or flows from emergency firefighting activities provided that the incident commander, fire chief or other on-scene firefighting official in charge makes an evaluation regarding potential releases of pollutants from the scene and summons a hazardous material response if pollutants are suspected.
24. Discharges or flows from firefighting training activities authorized as allowable discharges by the Director.

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

C. 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:

1. A discharge that results in the City violating its OPDES Municipal Storm Water Discharge Permit.
2. A discharge the Director determines causes contamination of surface water, stormwater or groundwater within the City.
3. A discharge that could block or damage the City's Municipal Separate Storm Sewer System.

D. Stormwater that is not associated with and/or intermingled with stormwater that is associated with industrial activity required to obtain a "NPDES Stormwater Discharge Permit" as defined in 40 CFR Part 122, before the point source discharge to the City's Municipal Separate Storm Sewer System.

E. 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.

### **Section 13.30.050 – Prohibited Discharges.**

A. It shall be unlawful and an offense for any person to willfully, knowingly or otherwise through neglect or foreseeable circumstance, to cause or permit, directly or indirectly, any contribution or introduction of pollutants through illicit discharges into the City's Municipal Separate Storm Sewer System.

1. All non-stormwater discharges except those classified as an allowable discharge in Section 13.20.040 of this ordinance.

2. Any stormwater from any activity required to obtain an "NPDES Stormwater Discharge Permit" as defined in 40 CFR Part 122.26(b)(14), unless the discharge is authorized by a valid "NPDES Stormwater Discharge Permit."

3. 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 health, safety and welfare of the public.

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

B. It shall be unlawful and an offense for any person to place, store or locate any material in such a manner that causes pollutants to be transported directly or indirectly by wind, rain or other atmospheric conditions into the City's Municipal Separate Storm Sewer System.

C. Any point source discharge into the City's Municipal Separate Storm Sewer System that either singularly or in conjunction with other discharges causes the City to violate its NPDES Municipal Stormwater Discharge Permit shall be prohibited.

D. It shall be unlawful and an offense for any person to directly or indirectly dispose of grass, dirt, leaves, trash or other pollutants into the City's Municipal Separate Storm Sewer System.

E. No person shall deposit, drain or divert, whether directly or indirectly, into or upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond or lagoon, any oil or oily liquid with petroleum content, grease, mud, rotary mud, sand, salt water, sewer waste or industrial waste; or in any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person; nor shall any person allow such substances to flow upon any public highway, street, sidewalk, alley, parking lot, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond or lagoon within the city limits.

F. Any illicit discharge, except those allowable pursuant to provisions of this ordinance, shall be prohibited.

### **Section 13.30.060 – Spills.**

Spills that have the potential to enter or have entered the City's Municipal Separate Storm Sewer System shall be contained, and remediation activity shall be commenced, as soon as possible. In case of vehicle accident, all spillage shall be properly contained, cleaned and stored with the accident vehicle. Any person identified as the source of any spill into the City's Municipal Separate Storm Sewer System shall be required to remediate, remove and properly dispose of spilled materials. Remediation activities shall only be considered complete when the cleanup is deemed satisfactory by the Director. The required reporting or notification for such spills shall be completed as specified in Section 13.20.100(C) of this ordinance.

**Section 13.30.070 – Pavement Wash Waters.**

Discharges to the City's Municipal Separate Storm Sewer System 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 Stormwater 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 limits.

**Section 13.30.080 – Construction Activities.**

A. 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 Municipal Separate Storm Sewer System. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling the discharge of pollutants. In the case of ten (10) acres or more of land draining to one discharge point, a sediment basin or adequate alternate measures shall be implemented. 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 Stormwater 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 limits.

3. The discharge, based upon the determination of the Director, does not transport sediment into the City's Municipal Separate Storm Sewer System.

B. Erosion control shall be provided during the construction phase on all construction sites as necessary to prevent impacts to offsite areas and/or public rights-of-way. The primary goal of erosion control and BMPs is to minimize erosion and sedimentation during all phases of construction activities until final grading, landscaping and storm sewer structures are in place. BMPs include but are not limited to seeding, sodding, sprigging, silt fences, straw bale dikes, earth dikes or swales, temporary stream crossings, storm sewer inlet protection, temporary sediment basins and stabilized construction entrances. Failure to provide sediment and erosion control protection can result in suspension of earth change, stormwater and building permits. A violation of this Section by the failure to comply with any of its requirements shall constitute an offense. Each lot upon which such violation occurs shall constitute a separate offense, and each day on which a violation occurs or is allowed to remain shall constitute a separate offense. The imposition of administrative and/or criminal penalties

shall not prevent the City of Sand Springs, or agents thereof, from taking any lawful action as is necessary to remediate or correct a violation – including actions to prevent future violations that would adversely impact the City’s Municipal Separate Storm Sewer System or the public’s health, safety and welfare.

C. No person shall place, spill or allow the flow of concrete or similar construction materials on any public road, alley, highway or sidewalk, except as may be required for the construction or the maintenance of the public road, street, highway or sidewalk.

D. Construction debris shall not be allowed to blow off the site of origin. Trash containers of sufficient size shall be located on each construction site at all times when waste materials are being generated. The Director shall determine whether such container is of sufficient size.

E. For purposes of regulation and enforcement, any person with overall responsibility for construction, including but not limited to the general contractor or facility operator, shall be jointly responsible with the premises owner or the person at whose direction the construction is conducted for assuring compliance with this Section.

**Section 13.30.090 – Record Keeping.**

A. Every person and industry shall retain and make available to the Director for inspection and copying, at the person’s or industry’s expense, all records and information required to be retained under this ordinance, or order issued hereunder. The person or industry shall retain these records for a period of no less than five (5) years. This retention period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industry or person has been specifically notified of a longer retention period by the Director or a court of competent jurisdiction.

B. Reports and other documents required to be submitted or maintained under this ordinance, or order issued hereunder, shall be subject to the provisions of 18 USC § 1001, regarding fraud or false statements and the provisions of § 309c(4) of the Act, as amended, governing false statements, representations or certifications.

**Section 13.30.100 – Reporting Requirements.**

A. Any industry that performs an industrial activity that is required by 40 CFR Part 122.26 to obtain an “NPDES Stormwater Discharge Permit” from the EPA must submit a copy of that application and permit, a Stormwater Pollution Prevention Permit, as well as any written correspondence with any federal, state or local agency regarding the aforementioned permit, to the Director within fifteen (15) days of request.

B. 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. 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 City's Municipal Separate Storm Sewer System. This notification shall include the location, type, concentration and volume, if known, and corrective actions being taken for each spill, release, etc. If the spill is contained, notification of containment shall be made verbally to the Director on the next business day. A written report of the spill and containment actions shall be made to the Director within five (5) days of the discovery of the spill. These reporting requirements shall be in addition to, and not in lieu of, any other reporting requirements imposed under federal, state or local laws, rules 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 ordinance.

### **Section 13.30.110 – Compliance Monitoring Requirements.**

A. When the Director requires that a sample of a storm event be obtained, the following criteria must be met:

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

B. When the Director has reason to believe that any person or industrial facility is violating this ordinance, the person or industrial facility may be required to obtain either a grab or composite sample and analyze any discharge, stormwater, groundwater and/or sediment at its expense, and provide a copy of the analysis to the Director for review.

C. When the Director has cause to believe that any stormwater 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 costs of 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. Upon completion of sample collections and documentation, a written record of the chain-of-custody must be completed. The chain-of-custody record is an accurate step-by-step documentation of the sampling path from origin through analysis. It must 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.
8. Certification of sample authenticity.

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

E. When a person or industry is required to sample a storm event and that person or industry has two or more point sources with substantially identical effluents, the person or industry may petition the Director to allow the sampling of only one point source and report that the data apply to the substantially identical point source(s).

F. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, or amendments thereof, unless other test procedures have been specified by the Director.

### **Section 13.30.120 – Requirements for Best Management Practices.**

A. If the Director determines that a stormwater discharge into the City's Municipal Separate Storm Sewer System is, or has the potential of, contributing to water quality degradation, has potential to cause any violation of this ordinance, or causes a violation of the City's OPDES Municipal Stormwater 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 or industrial source.

B. All persons and industrial facilities shall take measures to prevent spills or any other accidental introduction of pollutants into the City's Municipal Separate Storm Sewer System. These measures shall take the form of BMPs.

### **Section 13.30.130 – Inspection and Sampling.**

A. The Director, or the Director's authorized agent 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 ordinance.

B. The Director, or the Director's authorized agent bearing credentials, shall have the right to perform inspections at any industrial facility or any other premises that discharges or has the potential to discharge stormwater into the City's Municipal Separate Storm Sewer System. 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.

### **Section 13.30.140 – Plan Review**

A. Applications for building permits under the jurisdiction of the City involving disturbance of soils by construction activities shall be reviewed by the Director for compliance with provisions of this ordinance – including but not limited to a review of a person's or industry's Notice of Intent application to ODEQ.

B. The fee for a stormwater compliance plan review shall be established by motion or resolution of the City Council.

**Section 13.30.150 – Administration and Enforcement.**

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

A. The Director may, upon good cause, investigate any premises where there is reason to believe that there may be a failure to comply with the requirements of this ordinance.

B. Whenever the Director determines that a violation of this ordinance 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, a written explanation of the violation and a plan for satisfactory correction and prevention, including specific required actions. 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.

C. Upon determination that a violation of this ordinance has occurred and actions are necessary by the person or industry for remediation and/or prevention, the Director may issue an administrative order:

1. Consent Orders. The Director is empowered to enter into 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 ordinance 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; applicable City permits may be suspended, canceled or revoked; or other lawful actions taken; 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 or state 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 ordinance, 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.
- 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.

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

Administrative orders may be revised by the Director at any time, upon notice to the affected person or industry, to assure compliance with this ordinance.

D. When the Director finds that a user has violated or continues to violate any provision of the ordinance, or order issued hereunder, the Director upon good cause shown may impose an administrative penalty against such user in an amount determined by motion or resolution of the City Council. Each day that each violation exists shall constitute a separate cause for administrative penalty. Notice of an administrative penalty shall be served upon the premises owner and, if applicable, person responsible for the activity causing the violation by certified mail, return receipt requested. Payment of the penalty fee shall be received by the Director within fifteen (15) days after such notice is served. The premises owner shall have responsibility to assure payment. Issuance of an administrative penalty shall not preclude any other action by the City, including but not limited to concurrent criminal and civil remedies.

E. Notwithstanding any other provision of this ordinance, the Director may require any person and/or industry found to have violated any provision of this ordinance, or order(s) issued hereunder, to reimburse the City for services and/or materials used to remove pollutants from and/or to prevent further discharge of pollutants into the City's Municipal Separate Storm Sewer System; 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 lawful and reasonable methods.

F. Whenever a person has violated, or continues to violate any provision of this ordinance, or orders issued hereunder, water and/or sewer service may be discontinued by the City. Service shall only recommence, at the violator's expense, after the violator has satisfactorily demonstrated an ability to comply and actual compliance.

G. Provisions of this ordinance, including but not limited to implementation of administrative penalties and issuance of criminal penalties through the Municipal Court of the City, shall be enforceable by the Director, or other City employees as designated by the Director or City Manager.

H. In addition to any administrative penalties or other actions prescribed herein, violations of this ordinance shall constitute a Class C municipal offense punishable by the penalties prescribed for such in Chapter 1.20 of the City's Code of Ordinances. Recurring violations involving the same premises or activity, or willful disregard for any NOV, order or administrative penalty issued by the Director, shall constitute a Class A municipal offense punishable by the penalties prescribed for such in Chapter 1.20 of the City's Code of Ordinances.

**Section 13.30.160 – Appeals.**

A. Any person aggrieved by any NOV, order or administrative penalty issued by the Director pursuant to this ordinance may appeal the action in writing to the City Manager within fifteen (15) days of the date of the NOV, order or administrative penalty. The written notice of appeal shall specify the action appealed, detail why the action is in error and specify any provision of City ordinances or state or federal laws, rules or regulations supporting such an appeal.

B. Upon receipt and substantiation of a notice of appeal, the City Manager shall within 30 days hold a hearing where the appellant shall show cause why the provisions of the NOV, order or administrative penalty shall not be imposed or enforced. At the conclusion of the hearing, the City Manager shall affirm, modify, reverse or remand to the Director, the NOV, order or administrative penalty. Any ruling, requirement or decision by the City Manager shall be final and binding, unless appealed to the City Council.

C. Any person aggrieved by an appeal decision of the City Manager may forward in writing an appeal to the City Council by filing an appeal with the City Clerk within fifteen (15) days from the date of the City's Manager's appeal decision. Such written notice of appeal shall detail why the City Manager's decision was in error and specify any provision of City ordinances or state or federal laws, rules or regulations supporting such an appeal. Council shall hold a hearing on the appeal, based solely upon the record of the City Manager's action, within thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall affirm, modify or reverse the action of the City Manager. Any ruling, requirement or decision of the Council shall be final and binding, provided that any right of appeal to the courts shall not be abrogated.

D. Should the City Manager summarily determine the information supporting the notice of appeal is inadequate to substantiate such, including a determination that the appeal is patently frivolous or filed only for purposes of delay, the City Manager may deny the appeal without a hearing. The appellant shall be notified in writing of the denial and the grounds for such. Any further appeal with the City shall cease.

E. The City Manager may designate another regular employee of the City as a hearing officer to act in his or her capacity.

F. Any appeal properly filed shall serve to stay any enforcement action(s) by the City upon any person or industry alleged to be in violation of this ordinance. Provided, however, that such a stay shall be lifted by the Director and/or City Manager upon finding that such action would create an imminent hazard to the person's, industry's or public's health, safety or welfare. Such a finding shall be in writing and shall be provided to the person or industry alleged to be in violation upon lifting of the stay of enforcement action(s).

G. Any appeal does not preclude the City or any other aggrieved party from pursuing any civil or criminal actions or penalties – including injunctive relief from a court of competent jurisdiction.

**Section 13.30.170 – 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 person or industry can demonstrate in writing 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 the Director determines that the information and data requested may disclose trade secrets or secret processes, then the information or data will not be made available. (Ord 1167, new section added 11/17/2008; 1348, recodification 04/27/2020)

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