

PART 17

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CHAPTER 1

WATER SYSTEM AND SEWER SYSTEM

ARTICLE A

GENERAL PRINCIPLES

§ 17-101 LEASE OF SYSTEM.

The city has leased its water and sewer system to the Choctaw Utilities Authority, a public trust. The trust has power to set water and sewer rates and otherwise to regulate the water and sewer systems. The motions and resolutions adopted by the trust replace ordinances of the city relating to these matters. For the motions and resolutions passed by the public trust, please refer to the minutes of the meetings of the Choctaw Utilities Authority. A copy of the trust indenture relating to the leasing of these systems appears in this code in the appendix.

ARTICLE B

WATER SYSTEM

§17-105 TURNING ON WATER SERVICE

Until a contract for water service has been executed and a meter has been installed, water shall not be turned on at any premises by any person except a Water Authority representative. Water service shall not be turned on unless there is at least one (1) adult person present to see that all water outlets on the premises are closed in order to prevent water damage.

No person except an authorized representative of the Authority, a Fire Department or the City Street Department shall open, operate or remove the nozzle cap from any fire hydrant to which water is supplied by the Authority.

When water is required to test plumbing before a water contract has been executed and a meter installed, a Water Authority employee shall be called to make the turn-on and turn-off. Any person except as Water Authority employee who makes such turn-on shall be deemed to have committed an ordinance violation. (Ord. No. 747, 06/21/16)

§17-106 SERVICE CONNECTION

All service pipes shall be connected to the Authority's water main when available. To provide a stable meter setting for outside residential meters the outlet from the meter box shall be a minimum of three-quarter (3/4) inch pipe with a horizontal distance of three (3) feet. No service pipe shall be less than three-quarter (3/4) of an inch.

The Authority reserves the right to determine the placement of each service connection so that the private isolation valve or meter box will, as a general rule, be located between the present or proposed meter box and within five feet on the private property side. A private valve box shall be in place for the private isolation valve. The private isolation valve and box shall be maintained by the private property owner. Any other location will have to be determined by the Authority. The other locations shall provide a safer, more convenient or more satisfactory

location for the isolation valve and/or meter box.

The customer at his or her own expense shall be responsible for construction of the service tap in the water main, the meter box, lid and yoke and the service line from the main to the premises served.

At the customer's expense, the service connection in the water main and the service line from the water main to the property line shall be installed by a registered plumber with the City of Choctaw.

The customer, at his or her own expense, shall install the meter box, lid and yoke at the property line. The customer shall also at his or her own expense install the service line from the property line to the premises served.

All tap connections two (2) inches and greater shall have plans and specifications submitted along with the application for approval by the City Engineer.

Service pipes, isolation valve, curb stop, service boxes, meter pits, stop and waste valves and other fixtures used in the installation of, repairs to or additions to service pipes shall be of a type and quality approved by the Authority. The material and supplies of any manufacturer must be approved by the Authority.

As a general rule, water service shall not be furnished through a single service pipe to more than one property. Under unusual or exceptional conditions, the Authority may waive this rule if the circumstances require.

If service has been installed prior to May 4, 2016, and is not in accordance with the provisions of this City Code section, and if water is being taken through a single curb stop to supply two (2) or more premises, each customer benefiting from that arrangement shall be responsible for the payment of his or her own water bills and other legitimate charges.

A new service pipe between the distribution main and a building shall be run in a direct line whenever it is practicable and possible without bends and at a depth of not less than allowed by the adopted building code.

No pipe having joints shall be driven. Service pipes shall not be laid in the same trench with sewers or any other conduit unless written approval has been given by the City Engineer or Building Official.

All persons connecting to the city's service shall be required to conform to the adopted plumbing code of the city. Water service will be installed to any premises at the closest point to the water main abutting the premises; provided, however, that water service can be provided to property only where a water main is located in an easement abutting that property.

New service lines shall be connected directly to a water distribution main, which is immediately adjacent to the property requesting service. If an adequate distribution main is not available immediately adjacent to the property requesting service the property owner shall install a water

main extension in accordance with subsection §19-165.

All water services shall be metered, and the meter shall be located at the right of way or in a dedicated waterline easement. The Authority does not allow private sub-metered for the purpose of charging other water users except as may be provided by state law. Duplexes are required to provide a separate water meter to each residential unit. Other multi-family (5 or more) units or multiple commercial units within one lot shall be serviced by a master meter. Non-residential are required to provide a separate water meter to each lot that is separated by plat. (Ord. No. 747, 06/21/16)

§17-107 MAINTENANCE OF SERVICE PIPES AND METER BOXES

The service pipe and its fixtures from the “pig-tail” to the building served, the meter excepted, shall be maintained at the expense of the customer or owner of the property. Any leaks or other defects in the pipe or fixture shall be promptly repaired by the customer or owner. A service line or private main extended to property not adjacent to a Authority water main, whether extended through public or private property, shall be maintained by the customer or owner, unless that line or main has been accepted in writing for maintenance by the Authority.

If needed repairs are not made to that service line or private main within seven (7) days of written notification by the Authority, the customer or property owner may be charged a fine established in the City of Choctaw’s fee schedule per day for each day following that seven (7) day period of grace that the water leak or other defect is allowed to continue.

In the event that the shut-off is located inside the meter pit, the Authority shall turn off the service or remove the shut-off and apply the cost of personnel, materials and plus 15% to the customer or property owner billing account. (Ord. No. 747, 06/21/16)

§17-108 INSIDE PIPING AND SERVICE LINES

Each applicant for service shall, at his or her own expense, equip his or her main supply line with a suitable shut-off valve or valves just inside the foundation wall and shall provide all piping and attachments, all of which shall be assembled, installed and maintained by him or her.

Each three-quarter (3/4) inch service line shall have compression type stop and waste valve on the private inlet side of the meter. Each one (1) inch or larger service line shall have a gate type shut-off valve on both the inlet and outlet side of the meter. (Ord. No. 747, 06/21/16)

§17-109 CROSS CONNECTION

No customer shall allow or cause the construction or maintenance of a cross connection. A cross connection is any physical arrangement, including non-working cross connection control devices, whereby a public water supply is directly connected, either continuously or intermittently, with any contaminated or otherwise un-potable liquid or material that may be imparted to the public water supply.

The Authority does not assume responsibility for damage, sickness, or death arising from the

existence of a cross connection or from the use or failure of a backflow prevention device, whether approved or not approved. (Ord. No. 747, 06/21/16)

§17-110 USE OF BOOSTER PUMP

No booster pump shall be installed without the approval of the Authority. In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with City water flow entering the tank being controlled by an automatic float valve and freely discharging into the tank a minimum of six (6) inches above the positive overflow level of the tank.

As an alternative, a vacuum breaker valve with a cushioning valve shall be installed on the suction side of the pump.

In all cases, a device shall be installed to control the operation of the booster pump when pressure to the suction side of the pump drops as per the City of Choctaw adopted building codes and the State of Oklahoma regulations. (Ord. No. 747, 06/21/16)

§17-111 ACCESS TO PREMISES

With consent of the owners or as authorized by law, properly authorized representative of the Authority shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspection cross-connection protective devices, atmospheric tank installations, booster pump vacuum breaker valves, and general plumbing, as well as for the purpose of reading, inspection, repairing or replacing meters used in connection with the service and removing those meters at the termination of the contract or discontinuance of the service. (Ord. No. 747, 06/21/16)

§17-112 METER INSTALLATION

The fees for installation of water service and meter shall be as determined on a fee schedule approved by City Council. Fees for connection to the water system and installation or purchase of a water meter shall be paid at the time the building permit is issued. All meters and meter boxes shall be furnished and installed by the city.

No meter will be set in a location other than a designated public easement on the property to be serviced; provided, however, in residential, office, commercial and industrial condominium developments, common areas may be used for utility service lines when so designated by easement with said easement being filed in the office of the county clerk. At no time shall a meter be set in a driveway, street, sidewalk or parking lot. If a service line has already been connected to the water main prior to the building construction, the city shall not be responsible if the service line is installed in an inappropriate or inconvenient location.

If a service line has been connected to the city water main to service a particular lot and there are subsequent lot splits and the installed service line does not meet the requirements of the new lot boundary, the owner of the lot or lots shall be responsible for providing proper service line connections to the designated lot or lots.

In general, the required meter shall be the same size as the service lines.

In all cases where meters, meter boxes, transmitters, antennae, or related equipment are lost, damaged or broken by carelessness or negligence of the property owner, or anyone working for or under the general supervision of the property owner, they shall be replaced or repaired by or under the direction of the Authority and the cost will be levied to the property owner. During construction, the builder shall be charged with the care and protection of the meter and related equipment, water lines and meter boxes. If the meter or related equipment, water lines, or meter boxes are broken or damaged, it shall be prima facie negligence of the builder. The items shall be replaced or repaired by or under the direction of the environmental service director and the cost will be levied to the builder. The city shall be responsible only for the proper functioning and registry of the water meter. (Ord. No. 747, 06/21/16)

§17-113 METERING

The customer shall protect that property from freezing and from any loss or damage. No person except a representative of the Authority shall remove that property or tamper with it.

Ordinary repairs shall be made by the Authority without expense to the customer. Repairs of damage caused by carelessness or neglect by the customer shall also be made by the Authority but the cost of those repairs shall be charged to the customer.

A meter shall be tested for accuracy if the customer requests it. If the test establishes the accuracy of the meter to be within ninety-eight (98) per cent and one hundred two (102) per cent the Authority shall charge the customer a fee that is established in the adopted fee schedule for making the testing. (Ord. No. 747, 06/21/16)

§17-114 LATERAL CONNECTION

No private water connection, whether inside or outside the city limits, shall be made to any water line directly or indirectly connected with the city water system other than a lateral constructed to serve the premises in question except by special contract approved by the city engineer. (Ord. No. 747, 06/21/16)

§17-115 PRIVATE FIRE PROTECTION SERVICE

The entire private fire protection service on a customer's premises shall be subject to inspection and tests by the Authority at such times, as it deems necessary.

Before any modifications are made to any private fire service protection system or before service is furnished to any new private fire protection system connected to or proposed to be connected to and supplied with water from the Authority's distribution mains, final plans of that fire protection system shall be filed with and approved by the City Engineer and Fire Chief.

All fire protection lines within buildings shall be installed so that all pipes shall be easily accessible for inspection at any time. Underground pipes outside of buildings shall be placed and maintained at a minimum depth of four and one-half (4 ½) feet. All fire protection lines must be

installed in accordance with the adopted building codes and the State of Oklahoma regulations. All private fire protection lines, hydrants and metering facilities shall be maintained by and at the expense of the customer.

The connection of Authority's main and the fire protection line shall have a Fire Flow meter and vault/pit installed at the customer's expense.

Any time a fire hydrant is connected and receiving the Authority's water distribution, the said line shall be installed and inspected to the Authority's standard. The service and fire hydrants shall be dedicated to the Choctaw Utility Authority. (Ord. No. 747, 06/21/16)

§17-117 INTERRUPTION OF SERVICE

The Authority shall not be responsible in damages for any failure to supply water service or for interruption of the supply of water, or for defective piping on the customer's premises, or for damages resulting to a customer or to third persons through the use of water or the presence of the Utility's devices on the customer's premises, unless due to fault, negligence or culpability on the part of the Utility. Neither party shall be liable to the other for any failure or delay in case that failure or delay caused by strikes, the acts of nature, unavoidable accidents or contingencies beyond its control and not due to fault, neglect or culpability on its part. (Ord. No. 747, 06/21/16)

§17-118 ABANDONED SERVICE LINE

All abandoned service lines shall be physically cut-off and secured at the water main in order to eliminate the possibility of leakage due to deterioration. That work shall be performed in accordance with the requirements of the Authority at the expense of the customer, the property owner, or both. (Ord. No. 747, 06/21/16)

§17-119 INABILITY TO READ METER

Inability to Read Meter If the Authority is unable to gain access to an inside meter setting in order to obtain a reading for two (2) months, the Authority shall send the customer a letter requesting arrangements for access within regular working hours or service will be discontinued. (Ord. No. 747, 06/21/16)

§17-120 TESTING OF METER

Any meter installed after May 16, 2016, where the accuracy of a water meter is questioned, it shall be removed at the customer's request, and shall be in his presence tested in the shops of the utility department by means of the apparatus there provided, and a report thereon duly made. Both parties to the test must accept the findings so made. If the test discloses an error against the consumer of more than three (3) percent in the meter's registry, the excess of the consumption on the three (3) previous readings shall be credited to the customer's account the utility department shall bear the entire expense of the test and the deposit required as hereinafter prescribed shall be returned.

On the other hand, where no such error is found, the person who has required the test shall pay

the charge for such test. Before making a test of any meter the person requesting such test shall at the time of filing his request with the superintendent, make a deposit with the city clerk in the amount charged for such test subject to the conditions herein stated, which charges are listed in the adopted fee schedule by the City Council. (Ord. No. 747, 06/21/16)

§17-121 UN-AUTHORIZED INITIATION OF WATER

When water has been shut off for any cause and turned on again or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off. The superintendent may then shut off the water at the main or remove a portion of the service connection at the cock, and shall charge the actual cost of cutting off and reinstating the water supply. (Ord. No. 747, 06/21/16)

§17-122 DISTRUBING METERS

No meter shall be removed or in any way disturbed, or the seal broken, except in the presence of and under the direction of the superintendent. (Ord. No. 747, 06/21/16)

§17-123 RESALE OF WATER

The water or service furnished under this Code section is for the use of the customer on his or her own premises. He or she shall not resell any water or service without the written consent of the Authority. (Ord. No. 747, 06/21/16)

§17-124 PROHIBITED WASTE

It shall be unlawful for any person to willfully waste or cause to be wasted any water from the municipal water supply system. (Ord. No. 747, 06/21/16)

§17-125 ILLEGAL CONNECTION

Any person who violates any provision hereof by permitting any connection herein forbidden to be made, or by failing to disconnect from the water line as herein provided after notice to disconnect, is guilty of an offense; and each day of failure after notice to observe such provision shall constitute a separate and distinct offense. (Ord. No. 747, 06/21/16)

§17-126 VIOLATION

It shall be unlawful for any person located inside or outside the corporate limits of the city to make any connection with or use the water distribution facilities of the city unless the provisions of this division are complied with. Each day any violation shall continue or any connection with or use of the city's water distribution system is made or permitted to exist in violation of this division shall be deemed a separate offense.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in §1-108 of this code. (Ord. No. 747, 06/21/16)

ARTICLE C

SEWER SYSTEM

§17-146 DAMAGING, TAMPERING WITH FACILITIES

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. (Ord. No. 747, 06/21/16)

§17-147 UNLAWFUL DISCHARGES; VIOLATION

It shall be unlawful to dispose of any substance in any amount in or near a sanitary or storm sewer access point or to any natural outlet within the city.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in §1-108 of this code. (Ord. No. 747, 06/21/16)

§17-148 BUILDING PERMIT FOR CONSTRUCTION

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the building safety division. A licensed plumbing contractor shall be allowed to tap a city sewer main, providing the following and all other applicable provisions of this article are met:

- A. The plumbing contractor must furnish the proper tapping machine and necessary apparatus to properly perform the tap;
- B. Proper tapping methods as prescribed herein shall be followed;
- C. Use of approved type saddles only shall be used;
- D. The tap and saddle installation shall be inspected by the city. (Ord. No. 747, 06/21/16)

§17-149 BUILDING SEWER RESPONSIBILITY

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. No. 747, 06/21/16)

§17-150 CONNECTION LOCATION

No connections shall be made to a public sewer except to a public sewer located on an easement or right of way abutting the property to be serviced, provided, however, in residential, office, commercial and industrial condominium development, common areas may be used for utility

service lines when so designated by easement with said easement being filed in the office of the county clerk.

The city engineer shall have the right to modify the location of easements requiring abutment to the property. The building sewer lines from the building to its connection to the public sewer line shall be considered privately owned and maintained. (Ord. No. 747, 06/21/16)

§17-151 PUBLIC SEWER CONNECTION

Whenever no wye or tee presently exists on a main sewer line and a building and/or house is to be constructed, a special fitting called a saddle is to be utilized to make the connection. The spigot's end shall be specifically shaped to fit snugly against a hole cut into the mainline. These saddles shall be sealed with epoxy cement and secured to the line with stainless steel bands.

Whenever a saddle is required on a new or existing main, it is to be installed by the contractor only when continuous supervision is provided by the utilities department. The saddle selected to be used shall fit the contour of the inside of the mainline and shall be specifically designed to fit the particular type and size of the line. It shall be installed in accordance with the manufacturer's instructions. The saddle connection shall be capable of withstanding any conditions such as stress and/or strain encountered in normal construction or maintenance. The connection shall be water-and gas-tight.

When the opening for the saddle is cut into the sewer line, care must be taken to prevent the cracking or breaking of the mainline. If the main is cracked or broken, that length of pipe shall be removed and a new wye or tee fitting installed in its place.

The contractor may make the cut into the main for the installation of the saddle only if he possesses the proper equipment to make the tap; otherwise, the contractor and/or hire the proper personnel or equipment to make the tap and install the saddle. The installment shall be inspected by the Authority.

The opening shall be fully dressed to fit the saddle by gentle trimming with small dressing tools. All pipe chips, etc., must be removed from the bottom of the dry mainline. If the saddle is being installed on a line already in use, some means must be provided to prevent the chips, etc., from entering the sewer line. (Ord. No. 747, 06/21/16)

§17-152 BACKFLOW PREVENTER

Backflow preventer(s) are required to be installed on all new or replacement of service and must be inspected by the building inspector or proper Authority official. The backflow preventer must be a riser type. Any other type of backflow preventer must be approved by the Authority.

If two or more reported sanitary sewer backup occur and/or a filed claim against the Authority will require the home owner to install an approved backflow preventer. (Ord. No. 747, 06/21/16)

§17-153 LATERAL CONNECTION

No private sewer connection, whether inside or outside the city limits, shall be made to any sewer line directly or indirectly connected with the city sewer system other than a lateral constructed to serve the premises in question except by special contract approved by the city engineer. (Ord. No. 747, 06/21/16)

§17-154 TAP INSPECTION

The building inspection department shall be notified prior to a tapping operation being commenced. The utilities department will provide personnel for inspection during the tapping and saddle installation process. (Ord. No. 747, 06/21/16)

§17-155 RIGHT TO ENTER

The building inspector and other duly authorized employees of the City or Authority bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division. The superintendent, building inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. No. 747, 06/21/16)

§17-156 PRIVATE SEWAGE DISPOSAL SYSTEM

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of City and the State.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a permit signed by the building inspector. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the building inspector. The permit application shall be accompanied by a fee established by the City Council.

The inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the building safety department when the work is ready for final inspection, and before any underground portions are covered.

The type, capacity, location and layout of a private sewage disposal system shall comply with all requirements of the State of Oklahoma. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

At such time a owner connects to the public sewer to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this code. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. The private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt, at the property owner's expense.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City health officer, building inspector, or engineer. (Ord. No. 747, 06/21/16)

§17-157 DISPOSAL STATION

Only establishments that sell, perform maintenance or rejuvenate recreational vehicles shall be authorized to install or operate a disposal station within the city limits of Choctaw. Owner/operators of disposal stations shall allow both Choctaw residents who own R.V.'s and transit recreational vehicle owners to utilize their facility. This service may be provided at no charge to the customer, or if there is a charge the city shall receive fifty (50) percent of said charge for utilizing the city's sewer facilities. Disposal sites for the general public shall be made available only during normal business hours.

Only recreational vehicles shall be authorized to utilize disposal stations and shall be limited to a maximum of one hundred (100) gallons waste per recreational vehicle. No septic tanks, grease traps or port-o-pots shall be authorized to utilize any disposal site within Choctaw.

Owner/operators shall display signs stating the following information: Hours of operation; for recreational vehicle use only; no commercial dumping; and users shall clean site after each use.

Disposal sites shall be installed and maintained in accordance with the adopted plumbing code. The pad shall be constructed in such a manner that drainage from roofs or water runoffs shall not enter the disposal opening. Such opening shall be watertight when not in use and be fitted with a foot operated flush valve. Potable water shall be made available through a frost free plug for cleaning of the disposal station after use.

Disposal station shall be subject to inspection by City's inspector and/or engineer. (Ord. No. 747, 06/21/16)

§17-158 ILLEGAL CONNECTION

Any person who violates any provision hereof by permitting any connection herein forbidden to be made, or by failing to disconnect from the sewer line as herein provided after notice to disconnect, is guilty of an offense; and each day of failure after notice to observe such provision shall constitute a separate and distinct offense. (Ord. No. 747, 06/21/16)

§17-159 STORM WATER & SANITARY SEWER CONNECTION

It shall be unlawful for any person owning property, or the occupant, agent or tenant thereof, to connect or cause to be connected the downspout or conduits draining storm water or rainwater from the roofs, premises or other places or buildings with any of the lateral or main sanitary

sewers of the city, or to in any manner conduct or cause to be conducted any storm water, surface or subsurface water, or rainwater whatsoever into such sanitary sewers.

It shall be unlawful for any person owning property, or the occupant, agent or tenant thereof, to connect or cause to be connected any sanitary sewer or house drain from any building with any of the laterals or mains of the storm sewers of the city, or to in any manner conduct or cause to be conducted any sanitary sewage or house water whatsoever into such storm sewers. (Ord. No. 747, 06/21/16)

§17-160 AUTHORITY TO DISCONNECT

Nothing contained in this code shall be construed as binding the city to agree to continue any of the sewerage services to be contracted for hereunder, nor shall anything contained in this division prevent the city from discontinuing any sewerage services when, in the judgment of the city council, the sanitary sewerage facilities of the city are no longer adequate to handle such sewerage services or when in the judgment of the council the continuance of any sewerage services will interfere with the proper functioning of the city's sanitary sewerage facilities. (Ord. No. 747, 06/21/16)

§17-161 ENFORCEMENT

The health official, building safety division and the city engineer shall have the responsibility of the enforcement of this code and shall have full authority to carry out all of the provisions hereof, including such police authority as may be necessary. (Ord. No. 747, 06/21/16)

§17-162 VIOLATION

It shall be unlawful for any person located inside or outside the corporate limits of the city to make any connection with or use the sewer facilities of the city unless the provisions of this division are complied with. Each day any violation shall continue or any connection with or use of the city's sewer system is made or permitted to exist in violation of this code shall be deemed a separate offense.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in §1-108 of this code. (Ord. No. 747, 06/21/16)

ARTICLE D

FATS, OILS AND GREASE CONTROL

§17-175 DEFINITIONS

Unless otherwise stated in the context of this article, the following terms and abbreviations will have the ascribed meanings:

- A. Twenty-five (25) percent rule means when the floating grease and bottom sludge combine to displace at least one-quarter of the tanks total depth.
- B. Approved haulers list means a list of all waste haulers approved by the city to operate within the POTW's collection area.
- C. Bypass means any overflow of any amount from the city's sanitary sewer collection system.
- D. Chronic violator means a person or facility with a pattern of neglect or disregard that results in the same or similar repeated violations during a twelve-month period.
- E. Decanting means the practice of returning wastewater from the waste hauler truck back into the grease interceptor, oil/water separator or grit trap after it is vacuumed out.
- F. Director means the city's environmental services director.
- G. Domestic user means a user of the sanitary sewer system occupying a residential unit and discharging only normal domestic sewage.
- H. Facility means a commercial business that generates FOG, waste oil, grit and/or other petroleum waste, or discharges wet wipes and/or paper towels into the city's sewer system.
- I. FOG means fats, oils and greases.
- J. Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste, or a business with an oil/water separator and/or grit trap or discharges wet wipes and/or paper towels into the city sewer system.
- K. Grease trap or interceptor means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils and greases or designed to collect settleable solids, generated by and from food preparation activities, prior to the wastewater entering the sanitary sewer collection system.
- L. Grinder means a mechanical device used to shred solid substances to pieces less than one-half inch(es) in any dimension.
- M. New facility means a newly constructed facility and/or the remodeling and/or expansion of an existing facility.
- N. Nondomestic user means any user other than domestic users.
- O. Notice of violation means a document issued to permit holders when they have violated their permit and/or this Code.
- P. Oil/water separator means the separator that separates the sand, oil and other types of grit from the wastewater before it enters the city's sanitary sewer collection system.

- Q. POTW means the city's wastewater treatment facility.
- R. Reclamation system means a series of tanks or basins and filters that renders water reusable.
- S. Transporter means any hauler that removes the contents and cleans any grease trap/interceptor or oil/water separator. (Ord. No. 747, 06/21/16)

§17-176 APPLICABILITY AND PROHIBITIONS

This article shall apply to all nondomestic users of the POTW.

- A. Grease traps, grease interceptors, oil/water separators and/or grit traps shall not be required for domestic users.
- B. Facilities generating FOG as a result of food manufacturing, processing, preparation or service shall install, use and maintain appropriate grease traps/interceptors. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels, motels, prisons, nursing homes, churches, day cares and any other facility preparing, serving or otherwise making any foodstuff available for consumption.
- C. Facilities generating automotive/petroleum oil, grease, sand, grit and other types of waste as a result of automotive servicing and repair shall install, use and maintain an oil/water separator and/or grit trap. These facilities include, but are not limited to, car washes, automotive repair shops, tractor/trailer repair shops, car dealerships and any other facility that maintains, repairs or washes any type of motorized vehicles.
- D. No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, gasoline, kerosene or any other chemicals into the city's sanitary sewer collection system. (Ord. No. 747, 06/21/16)

§17-177 SCOPE AND APPLICABILITY

This article shall apply to all facilities that generate FOG, waste oil, grit or other products from automotive repair and washing, who are connected to the city's sanitary collection system. This will also include transporters of the wastes which must comply with all local, state and federal regulations. (Ord. No. 747, 06/21/16)

§17-178 INTERCEPTOR DESIGN

All new facilities listed in the “Grease interceptors and automatic grease removal devices” in the adopted International Plumbing Code with food preparation areas will be required to install a one thousand-gallon or larger in-ground grease interceptor. Any facility not listed in the “Grease interceptors and automatic grease removal devices” with a food preparation area will be sized on a case-by-case basis by the City Engineer or Public Works Director.

If an existing facility has a smaller grease trap/interceptor in use and it is not working properly, it will need to be replaced with a larger grease trap/interceptor. Any existing facility that has limited space to install a one thousand-gallon in-ground grease interceptor will be sized on a case-by-case basis by the City Engineer or Public Works Director. All grease traps installed will conform to the adopted International Plumbing Code.

Any existing facility that causes more than one (1) bypass or has been determined to be the cause of more than three (3) work orders due to grease blockages in any twelve-month period will be required to install a larger grease trap/interceptor, and to pay possible fines and/or citations.

All grease interceptors, traps, oil/water separators and/ or grit traps shall be located as to be easily and safely accessible for cleaning and inspection. (Ord. No. 747, 06/21/16)

§17-179 GENERATOR REQUIREMENTS

All food service facilities, automotive repair shops and car washes must have grease traps or grease interceptors properly installed in accordance with any and all applicable requirements of this Code.

A. New facilities/New Installation.

1. Food service: New food service facilities must install a grease interceptor of one thousand (1,000) gallons or larger in accordance with the EPA grease interceptor sizing worksheet.

Exception: Any alteration in the grease interceptor's size or capacity shall be approved by the City Manager or his/her designee. (Ord. No. 769, 12/19/17)

2. Automotive repair and car washes: All facilities where automotive repairs are made, all car washes and any other facility with the potential to discharge grease, oil, grit, hazardous or flammable pollutants into the city sanitary sewer collection system are required to install grit traps of five hundred (500) gallons or more and oil/water separators of one thousand (1,000) gallons or larger in accordance with this Code.

B. Existing facilities.

1. Food service: Food service facilities shall be permitted to operate and maintain existing grease interceptors or grease traps, provided their grease interceptor or grease trap are of the appropriate size and are in efficient operating condition.

2. Automotive repair and car washes: Automotive repair shops, car washes and any other facility with the potential to discharge grease, oil, grit or flammable pollutants into the city's sanitary sewer collection system shall be permitted to operate and maintain existing oil/water separators and grit traps, provided they are of the appropriate size and are in efficient operating condition.

C. The city may require an existing food service facility, automotive repair shop or car wash to install a new grease trap, grease interceptor, oil/water separator or grit trap that complies with the requirements of this Code or to modify and/or repair any noncompliant plumbing or existing grease trap, grease interceptor, oil/water separator or grit trap when any one (1) or more of the following conditions exist:

1. The facility is found to be contributing FOG, grit, hazardous or flammable pollutants, paper towels or wet wipes in sufficient quantities to cause line stoppages, bypasses, explosion hazard or hazard to the health of people and/or the environment, or necessitate increased maintenance of the city's sanitary sewer collection system.
2. The facility does not have a grease trap, grease interceptor, oil/water separator and/or grit trap.
3. The facility has an irreparable or defective grease trap, grease interceptor, oil/water separator or grit trap.
4. Remodeling of the food preparation area or kitchen, automotive repair shop or car wash wastewater plumbing system is performed which requires a plumbing permit issued by the city.
5. The facility is sold or undergoes a change of ownership.
6. The facility does not have plumbing to the grease trap, grease interceptor, oil/water separator and/or grit trap in compliance with the requirements of this Code.
7. The facility is found to be contributing wet wipes or paper towels in sufficient quantities to cause line stoppages or bypasses can be required to install and maintain a grinding device on their service line prior to discharging to the city's sanitary sewer collection system.

D. Maintenance: Grease traps, interceptors, oil/water separators and grit traps must be properly maintained, operated and cleaned. This includes the complete removal or pumping of all liquids, sludge, solids and wastewater on the surface, sides and the bottom of the grease interceptor/trap, oil/water separators and grit traps. Generators will not be allowed to decant or pump the waste grease or liquid fraction back into the grease interceptor/trap, oil/water separator and/or grit trap for purposes of reducing the volume of waste to be disposed of.

1. Such maintenance, operation and cleaning can only be performed by transporters that have a permit from the city to perform such maintenance, operation and cleaning. Grease interceptors/traps shall be pumped out according to a schedule determined by the city.
2. Facilities' sanitary sewer service lines shall not be connected to the lines intended for grease interceptor/trap, oil/water separator and/ or grit trap service.
3. Enzymes, bacteria or surfactants shall not be used in grease interceptors or traps.

E. Manifest log: It is mandatory that all facilities with a grease interceptor/trap, oil/water separator and/or grit trap keep a record of all manifests and maintain a current manifest log for a

period of three (3) years. This log will include the transporter used, city permit number, vehicle tag number, date and time pumped, and must be signed by the transporter and an authorized representative of the facility. This log will be kept in a conspicuous location and will be immediately available to a representative of the city who is performing such an inspection.

F. Closing of business: It is mandatory that all facilities with grease interceptors/traps, oil/water separators and/or grit traps that close their business must have the grease interceptor/trap, oil/water separator and/or grit trap pumped out and cleaned. Car washes, automotive shops and other businesses with oil/water separators and/or grit traps must also place caps on the discharge line(s) leading to the city's sanitary sewer collection system. Before the proprietor vacates the building, it must be inspected and approved by the city.

G. Self-cleaners: In order to qualify as a self-cleaner, the trap that is being cleaned can only be fifty (50) gallons or less. Self-cleaners must adhere to all the requirements, procedures and detailed record keeping as outlined in this Code. To ensure compliance with this Code, a maintenance log shall be kept by the self-cleaning operators. The maintenance log must contain, at a minimum, the following information:

1. Date the grease trap was serviced;
2. Name of the person(s) that serviced the grease trap;
3. Waste grease disposal method used;
4. Signature of the operator after each cleaning that certifies that, at the time of the cleaning, all wastewater, solids and grease were removed from the grease trap, all internal parts were in good operational condition and the waste was disposed of properly.
5. Grease trap self-cleaners who violate this Code will be subject to enforcement action including, but not limited to, citations, fines and/or removal from the self-cleaning program. (Ord. No. 747, 06/21/16)

§17-180 TRANSPORTERS REQUIREMENTS

A. Permits.

1. General. All waste haulers must obtain a permit and pay the applicable fee. The discovery of any false or misleading information provided by the applicant on an application will result in the denial of a permit being issued or in revocation of the permit if it has been issued.

2. Duration of permit. When an application has been reviewed and approved by the director according to all rules in this Code and all appropriate fees are paid, permits will be issued for a period of not more than five (5) years from the date of issuance. The permit holder may apply for a renewal of a permit a minimum of one hundred eighty (180) days prior to the permit's expiration date. A permit may be terminated at any time when the director finds that the permit holder has violated the permit conditions.

3. Permit transfer. All permits are approved and issued to individuals. No permit may be reassigned, transferred or sold to a new owner.
4. Modifications. The director may modify or change the conditions on any permits issued including, but not limited to the following:
 - a. To revise standards to keep in compliance with changing local, state and federal regulations, requirements and standards that may apply;
 - b. Due to a violation of any term of the permit;
 - c. A change in the permit holder's process;
 - d. To reflect a change in facility ownership or facility location; or
 - e. A request from the permit holder to have his/her permit modified, re-issued or terminated if received in writing by the director explaining in detail the permit holder's reasons for a modification.
5. Vehicle inspection. Transporters shall permit the city to inspect their registered vehicles annually.
6. Duty to comply. The permittee must comply with all conditions of his/her permit. Failure to comply with the requirements of the permit shall be grounds for enforcement remedies as described in this Code.
7. Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with the permit issued including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
8. Permit termination. An issued permit may be terminated for, but not limited to the following reasons:
 - a. Failure to abide by permit requirements;
 - b. Failure to pay fines;
 - c. Failure to pay fees; or
 - d. Failure to meet compliance schedules.
9. Compliance with applicable laws, standards and requirements. Compliance with the conditions of an issued permit does not relieve the permittee from his/her obligations regarding compliance with any and all applicable local, state and federal laws, standards and requirements, including any such standards or requirements that may become effective during the term of the permit.

10. Compliance date. Every transporter of grease interceptor/trap, oil/water separator and/or grit trap waste will be in compliance with all the standards and requirements of this Code prior to its issuance.

B. Pumping and cleaning of grease interceptors/traps, oil/water separators and/or grit traps. It shall be the responsibility of the transporters to properly clean the grease interceptors/traps, oil/water separators and grit traps as required by this Code. The cleaning of the grease interceptor/trap, oil/water separators and grit traps will be the complete removal of the contents of the grease interceptor/trap, oil/water separator and grit trap. The walls must also be cleaned and all solids must be removed from the bottom of the interceptor/trap, oil/water separator or grit trap. Decanting of the supernatant back into the interceptor/trap, oil/water separator or grit trap will not be allowed. Discharging of the grease interceptor/trap, oil/water separator or grit trap waste back into any part of the city's sanitary sewer collection system or stormwater collection system is prohibited. The transporter will dispose of the grease interceptor/trap, oil/water separator or grit trap waste in accordance with all local, state and federal regulations.

C. Manifest. Manifests will be used to track grease interceptor/trap, oil/water separator and/or grit trap waste from the initial generation of the waste to the final disposal. It will be the responsibility of the transporter to prepare the manifest. Manifests will be issued to each transporter who has been issued a permit by the city. The transporter will ensure that the form is completed entirely. The transporter will keep a copy for his/her files, leave the appropriate copy of the manifest with the generator and mail a completed copy to the city. All generators and transporters will keep their copies of manifests on file for a time period of at least three (3) years. The manifests will be kept in a conspicuous location and will be immediately available to a representative of the city who is performing inspections. (Ord. No. 747, 06/21/16)

§17-181 CLEANING SCHEDULE

Grease traps, grease interceptors, oil/water separators and grit traps shall be cleaned as often as necessary to ensure that sedimentation and floating debris does not accumulate to impair the efficiency of the grease trap, grease interceptor, oil/water separator and grit trap, and to ensure that the discharge is in compliance with local discharge limits and no visible grease is observable in the discharge.

A. All grease interceptors/traps shall be serviced and completely pumped of accumulated waste content when the twenty-five (25) percent rule is reached, or every three (3) months for grease interceptors and monthly for fifty (50) to one hundred (100) pound capacity grease traps, whichever first occurs. At any point in time if solidification occurs in the grease interceptor or trap, service needs to be conducted immediately. All devices must be inspected for damages by the transporter every time they are serviced.

B. Grease interceptors and traps shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle in the sludge pocket thereby reducing the effective volume of the device.

C. Oil/water separators and grit traps shall be serviced and completely pumped of accumulated waste content when the twenty-five (25) percent rule is reached or every six (6) months, whichever first occurs. If a car wash has a water reclamation system in use, the first two (2) to three (3) compartments must be completely pumped of accumulated waste when the twenty-five (25) percent rule is reached or every six (6) months, whichever first occurs. All of the chambers must be completely emptied and cleaned at least once a year.

D. The director has the authority to adjust cleaning schedules as necessary. (Ord. No. 747, 06/21/16)

§17-182 FEE

Fees are established in the adopted fee schedule approved by City Council. The purposes of the fees are to recover any costs incurred by the City from the generators and transporters. (Ord. No. 747, 06/21/16)

§17-183 ENFORCEMENT

A. Recovery of costs incurred. Any person violating any of the provisions of this article or causing damage to, or otherwise inhibiting, the city's sanitary sewer collection system and/or the POTW shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The cost incurred by the city for any cleaning, repair or replacement work caused by the violation will be added to the person's monthly water bill for payment. Failure or refusal to pay the assessed costs may result in a citation being issued.

1. Any facility with or without a grease trap/interceptor causing a bypass due to the facility's discharge of FOG will be liable to the city for any expense, loss or damage incurred. Any facility without a grease trap/interceptor, oil/water separator and/or grit trap will then automatically be required to install, operate and maintain a grease interceptor/trap, oil/water separator and/or grit trap.

2. Any facility whose discharge causes a city main to become restricted and require flushing due to FOG, wet wipes and/or paper towels will be liable to the city for any expense, loss or damage incurred.

B. Violations and fines. It shall be unlawful and an offense to violate or fail to comply with any of the requirements of this article. Upon conviction, the penalty shall be a fine of up to five thousand dollars (\$5,000.00), but in no case less than one hundred dollars (\$100.00), plus court costs per day for each day the violation continues. (Ord. No. 747, 06/21/16)

CHAPTER 2

REFUSE AND SOLID WASTE

ARTICLE A

SOLID WASTE COLLECTION

§ 17-201	Definitions.
§ 17-202	Solid waste containers to be provided.
§ 17-203	Container required; duty to use.
§ 17-204	Manure, dead animals, to be disposed of by owner.
§ 17-205	Solid waste department or contract authorized.
§ 17-206	Contractor or permittee to provide equipment.
§ 17-207	Inspection, enforcement.
§ 17-208	Use of services, mandatory.
§ 17-209	Private agencies.
§ 17-210	Business establishments.
§ 17-211	Compliance with landfill regulations; creating hazards.
§ 17-212	Unlawful removal from container.
§ 17-213	Use of unenclosed containers.
§ 17-214	Fees.
§ 17-215	Penalties.

Ed. Note: This article became effective September 1, 1992.

§ 17-201 DEFINITIONS.

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this article:

- A. “Contractor” means any individual, firm, corporation, company, partnership, association, or trust who agrees to furnish all necessary materials and perform services for solid waste collection under the specified terms with the city;
- B. “Dwelling” means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile and shall include but not limited to a manufactured home, commercial and industrial establishments;
- C. “Permittee” means any individual, firm, corporation, company, partnership, association or trust who agrees to furnish all necessary materials and perform services for solid waste collection under permit issued by the city;
- D. “Person” means any individual, firm, corporation, company, partnership, association, trust and includes but is not limited to any owner, occupant, tenant or lessee; and

- E. “Solid waste” means all putrescible and non-putrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes, chemical wastes, herbicide and pesticide wastes. Scrap materials which are source separated for collection and processing as industrial raw materials shall not be considered discarded for the purposes of this article, except when contained in the waste collected by or in behalf of the city. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-202 SOLID WASTE CONTAINERS TO BE PROVIDED.

Every person using and occupying a dwelling, within the corporate limits of the city, shall be provided and use solid waste containers and receptacles for solid waste, the containers and receptacles to be of the kind and character hereinafter specified or furnished by the permittee. Each owner, occupant or lessee shall place the containers and receptacles and maintain them at the place or places specified in § 17-203. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-203 CONTAINER REQUIRED; DUTY TO USE.

- A. Persons owning or occupying all premises in the city receiving solid waste service under contract are hereby required to place all solid waste in a ninety (90) gallon roll-a-way cart, furnished by the contractor, and shall be placed at the curbside on the designated day for the collection of residential waste.
- B. When a residential customer finds it necessary to dispose of additional solid waste, all such solid waste shall be emptied at no additional cost to the resident provided the refuse is placed in disposable containers or tied in bundles not longer than four (4) feet in length and weighing no more than fifty (50) pounds each, and the same is placed at the street curb by the resident on the pick-up date.
- C. Each residential cart, bag or bundle shall be placed at the curbside for collection. Curbside refers to that area within four (4) feet of the curblines of the street or public roadside from which a residence, property or institution is serviced. Carts, bags and bundles shall be placed as close to the curbside/roadway as practical without interfering with or endangering the movements of vehicles or pedestrians. When construction work is being performed in the right-of-way, carts, bags and bundles shall be placed as close as practical to reasonably convenient access points for the collection vehicle on a collection day. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-204 MANURE, DEAD ANIMALS, TO BE DISPOSED OF BY OWNER.

- A. Manure from private stables or offal or refuse from animals, or night soil and dead animals, and all other waste not herein mentioned, must be kept in a separate suitable receptacle and not dumped in the alleys or retained on the premises and become a nuisance. The same shall be disposed of by the owner.
- B. The city shall enforce this section as provided by ordinances declaring such to be a

nuisance under the health laws of this city and state. It is the duty of the city manager or his designee, director of the cooperative health department, or the employee of the city to whom the city manager may assign his duties, to see that the removal is promptly made when so ordered. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-205 SOLID WASTE DEPARTMENT OR CONTRACT AUTHORIZED.

- A. The city may create a solid waste department and hire sufficient help to operate the department and purchase any equipment necessary to properly conduct the department. The city may enter into a contract with some suitable person, or persons, firm, or corporation, for removal and disposal of the garbage and refuse provide, the contractor or permittee shall furnish a good and sufficient surety bond conditioned for the faithful performance of the contract and all the requirements of this article and contract terms.
- B. In case of conflict with any provision of this code, the contract with an independent contractor shall take precedence over the conflicting provision of this code. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-206 CONTRACTOR OR PERMITTEE TO PROVIDE EQUIPMENT.

- A. Any contractor or permittee shall provide all materials, equipment, labor, supervision and other material and management items necessary to properly remove solid waste:
 - 1. The contractor or permittee shall provide an adequate number of enclosed packer bed vehicles to provide regular collection services. All vehicles, bins and other equipment shall be kept in good repair, appearance, and in a sanitary condition at all times. Each vehicle or bin facility shall have clearly visible the identity and telephone number of the contractor or permittee;
 - 2. All refuse hauled by contractor or permittee shall be so contained, tied or enclosed that the leaking, spilling or blowing of the material are prevented. In the event such does occur, the contractor or permittee shall be totally responsible for correction of the incident;
 - 3. Contractor or permittee shall dispose of municipal solid waste at a landfill or other facility which holds a current permit for authority to do business with the Oklahoma State Department of Health, it shall be the sole responsibility of the contractor or permittee to lawfully dispose of such wastes;
 - 4. Collection of residential refuse shall not commence before 6:00 A.M. or continue after 7:00 P.M. on the same day. Exceptions to collection hours shall be effected only upon the mutual agreement of the city and contractor or permittee, or when the contractor or permittee reasonably determines that an exception is necessary in order to provide collection on an existing collection route due to unusual circumstances or conditions. The city shall receive written documentation to exceptions. Commercial pickup routes may be operated at any hour not inconsistent with the peace and quiet of neighboring residences; and

5. Contractor or permittee will provide the handicapped, disabled and invalids special service.
- B. When requested under these circumstances, contractor or permittee will pick up the cart from the houseside, empty it and return it to the house at the regular service charge. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-207 INSPECTION, ENFORCEMENT.

The city manager or his designee shall make or cause to be made inspection to determine whether solid waste is being properly disposed of and to further determine if receptacles of the kind required by this article have been obtained by the person required to use the receptacles. It is the duty of the inspector to report to the city attorney any person failing to comply with this chapter. The city attorney is required to institute the necessary proceeding to prosecute the offender as provided herein. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-208 USE OF SERVICES, MANDATORY.

Each dwelling within the city shall accept and use the solid waste disposal service provided by the city whether by contract or permit. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-209 PRIVATE AGENCIES.

- A. It is unlawful for any person to haul or transport any solid waste or refuse, to remove it from any premises situated in the city, or to transport it through the streets, alleys or public places of the city, over any street, highway, a public right-of-way without having first obtaining a permit as hereinafter provided.
- B. An application for permit to operate a sanitation service in the city shall be in writing, verified to by the applicant or his duly authorized representative, shall be filed with the city clerk and shall contain the following information:
 1. The name and current address of the applicant. If the applicant is a partnership, the names and current addresses of each of the partners. If the applicant is a corporation, the state Incorporation Seal and the names and address of the officers and directors thereof;
 2. The current address of the principal place of business of the applicant; a description of the vehicles to be used showing the make, model and type of truck plus state vehicle inspection registration number;
 3. A description of the vehicles to be used showing the make, model and type of truck plus state vehicle inspection registration number;
 4. All other information pertaining to the operation of the service as required by the city manager; and

5. The permittee shall make available to the city a local number which will be answered by a responsible person from 8:00 A.M. to 5:00 P.M. on regular collection days.

C. A sanitation service permit fee in an amount as established by motion or resolution of the city council shall be paid to the city clerk prior to the issuance of any permit and shall be in addition to any fees required by the state. Permits issued pursuant to this chapter are nontransferable:

1. If the application is in accordance with the requirements of this article and state laws, and if approved by the public works director, the city clerk shall issue the permit; and

2. Any sanitation service permit issued hereunder shall be annual and valid for one year and the permit will expire on April 30th of each year. There will be no proration on a partial year.

D. No person required to have a permit under this chapter shall haul or transport any solid waste or refuse or otherwise operate any sanitation service within the city without having a current certificate of insurance on file with the city clerk:

1. Every permittee shall at all times during the term of the permit maintain in full force and effect employer's liability, workmen's compensation, public liability and property damage insurance;

2. All insurance shall be provided by insurers licensed to do business in the state for policy limits acceptable to the city, and before commencement of any services provided hereunder, the permittee shall furnish to the city certificates or other evidence satisfactory to the city to the effect that such insurance has been procured and is in force. Before the expiration of any insurance policy, the permittee shall provide the city with new certificates or other satisfactory evidence of the permittee's holding such insurance. The certificate shall contain the following expressed obligations:

"This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in the policy affecting the certificate holder, ninety (90) days prior written notice will be given to the certificate holder."

3. For the purpose of this permit, the permittee shall carry the following types of insurance in at least the limits specified below:

<u>Coverage</u>	<u>Limits of Liability</u>
Worker's compensation	Statutory
Employer's liability	\$500,000.00

Bodily injury liability (Except automobile)	\$500,000.00 (each occurrence)
Property damage liability	\$1,000,000.00 aggregate
	\$500,000.00 (each occurrence)
Automobile bodily injury liability	\$1,000,000.00 aggregate
	\$500,000.00 (each occurrence)
Excess umbrella liability	\$5,000,000.00 (each occurrence)

E. Performance bond requirements are as follows:

1. The permittee shall be required to furnish a surety bond as security for the performance of this permit. The surety bond will be in the amount of One Hundred Twenty-five Thousand Dollars (\$125,000.00);
2. Premium for the bond described above shall be paid solely by the permittee. A certificate from the surety showing that bond premiums are paid in full shall accompany each bond; and
3. The surety on the bond may be a duly authorized corporate surety company empowered to do business in the state or other surety approved by the city.

F. The permittee shall not discriminate against any person because of race, sex, age, creed, color, handicap, religion or natural origin.

G. The permittee will indemnify, save harmless and exempt the city, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees incident to any work done in the performance of this contract arising out of a willful or negligent act or omission of the permittee, its officers, agents, servants and employees; provided, however, the permittee shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees arising out of a willful or negligent act or omission by the city, its officers, agents, servants and employees.

H. The contractor or permittee shall obtain or assure the existence of all licenses and permits necessary to operate in accordance with applicable state laws and promptly pay all taxes required by the city and the state.

I. The following exceptions apply to the above requirements:

1. Activities of the Choctaw Public Works Department. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-210 BUSINESS ESTABLISHMENTS.

A. The contractor or permittee shall provide bins with a tight cover for commercial and industrial units and shall be maintained in a sanitary condition. Each bin shall be placed in an accessible outside location on a hard surface subject to the terms of the individual agreements between the contractor or permittee and customer. Containers shall be located

and maintained so as not to create a fire hazard or provide harborage for rodents or the breeding of insects. The fire marshal of the city shall have authority to prescribe the installation of fireproof solid waste and refuse containers where they will not constitute a fire hazard to any property.

- B. Solid waste shall be kept in a container constructed of galvanized metal or its equivalent in such a manner as to be strong, not easily corrodible, rodent-proof and fly-proof, and shall have a tight-fitting lid. The cover shall not be removed except when depositing or removing the contents of the receptacle. Solid waste containers shall be regularly cleaned in order not to allow fermenting, putrefying and odor.
- C. The city-county health department, by and through its health officer or other authorized agent, may or the public works director of the city shall prescribe for an adequate size container in the event the permittee fails to do so. The failure of the permittee to provide for containers of adequate size shall constitute an offense.
- D. All containers shall be placed in a location so as to be easily accessible for collection.
- E. Each business establishment must have containers as hereinabove provided, except that office buildings are authorized to utilize and provide one container for the entire office building. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-211 COMPLIANCE WITH LANDFILL REGULATIONS; CREATING HAZARDS.

Any person removing any solid waste shall comply with all state laws and city-county health regulations pertaining to sanitary landfill, and shall not in any manner dispose of matter or other products referred to herein so as to create a health hazard or public nuisance. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-212 UNLAWFUL REMOVAL FROM CONTAINER.

It is unlawful for any person without a permit or license to remove or cause to be removed any solid waste of any kind from any solid waste container used for the deposit of solid waste. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-213 USE OF UNENCLOSED CONTAINERS.

It is unlawful for any person to deposit for collection on any street or on any private property in the city, any solid waste without placing it in enclosed containers as set forth herein. It is further unlawful for any sanitation equipment full of solid waste to be left parked or stored on any street or private property in the city pending proper disposal. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-214 FEES.

- A. The fees for all customers of the solid waste collection service under contract or permit shall be charged in such terms for regular collection as set by contractor or permittee and

approved by the city council by motion or resolution. A copy of the current rates shall be kept on file in the city clerk's office.

- B. The contractor or permittee shall be responsible for all billing and collection for all customers. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

§ 17-215 PENALTY.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in § 1-108 of this code. (Ord. No. 415, 4/21/92)

ARTICLE B

SOLID WASTE MANAGEMENT REGULATIONS

- § 17-220 Short title.
- § 17-221 Purpose.
- § 17-222 Definitions.
- § 17-223 Permit required; notice.
- § 17-224 Rules and regulations.
- § 17-225 Powers and duties of city-county health department.
- § 17-226 Illegal dumping of solid wastes, presumption.
- § 17-227 Injunction.
- § 17-228 Penalty.

§ 17-220 SHORT TITLE.

This article may be cited as the city's Solid Waste Management Regulations. (Ord. No. 249, 6/19/84)

§ 17-221 PURPOSE.

It is the purpose of this article and it is hereby declared to be the policy of this city to regulate the collection and disposal of solid wastes in a manner that will:

- A. Protect the public health, safety and welfare;
- B. Prevent water pollution or air pollution;
- C. Prevent the spread of disease and the creation of nuisances;
- D. Conserve valuable land and other natural resources;
- E. Enhance the beauty and quality of the environment; and
- F. Encourage recycling of solid waste. (Ord. No. 249, 6/10/84)

§ 17-222 DEFINITIONS.

As used in this article, unless the context otherwise requires:

- A. “Board” means the Oklahoma City-County Board of Health;
- B. “Department” means the Oklahoma City-County Department of Health;
- C. “Disposal site” means any place subject to standards promulgated by the State Department of Health at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, landfilling, composting, shredding, compaction, baling or any other method or by processing by pyrolysis, source recovery or any other method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste so as to render waste safe or nonhazardous, amenable to transport, recovery or storage or reduced in volume;
- D. “Person” means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, venture, or other legal entity however organized;
- E. “Solid waste” means all putrescible and non-putrescible refuse in solid or semisolid form, including, but not limited to, garbage, refuse, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes. Scrap materials which are source separated for collection and processing as industrial raw materials shall not be considered discarded for the purposes of this article, except when contained in the waste collected by or on behalf of a county, city or town; and
- F. “Solid waste management system” means the system that may be developed for the purpose of collection and disposal of solid wastes by any person engaging in process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites. (Ord. No. 249, 6/19/84)

§ 17-223 PERMIT REQUIRED; NOTICE.

After adoption of this article and the rules and regulations and a reasonable time fixed by the board of health for compliance therewith, no person shall dispose of solid wastes at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the State Department of Health and the Oklahoma City-County Health Department, except that no provision of this article shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own land provided disposal does not create a nuisance or a hazard to the public health or does not violate any other city ordinance. Upon issuance of any permit, the board of health shall file a recordable notice of the permit in the land records of the county. This notice shall contain the legal description of the site as well as the terms under which the permit is issued. (Ord. No. 249, 6/19/84)

§ 17-224 RULES AND REGULATIONS.

The city hereby adopts the rules and regulations promulgated and adopted by the State Health Department in compliance with the Administrative Procedures Act of 1963 (§§ 301-325 in Title 75 of the Oklahoma Statutes). Any subsequent changes or revisions as promulgated by the State Health Department shall automatically become a part of this act. (Ord. No. 249, 6/19/84)

§ 17-225 POWERS AND DUTIES OF CITY-COUNTY HEALTH DEPARTMENT.

The department of health shall have the following powers and duties:

- A. To advise, consult and cooperate with agencies and instrumentalities of the city and county with affected groups and industries in the formulation of plans and the implementation of the solid wastes disposal program;
- B. To accept and administer loans and grants from the federal government and from other sources as may be available to the department for the planning, construction, and operation of solid wastes disposal facilities;
- C. To examine and approve plans and specifications for solid wastes disposal facilities and inspect construction and operation of solid wastes disposal sites and facilities;
- D. To issue, continue in effect, revoke, modify or deny, under rules and regulations of the board, permits for the establishment, construction and the operation or maintenance of solid wastes disposal sites and facilities;
- E. To make investigations and inspections which it deems necessary to insure compliance with this article or the rules and regulations promulgated under authority of this article; and
- F. To make final inspections of closed or abandoned solid waste disposal sites to determine compliance with rules and regulations for proper closure and proper filling and drainage of the site. (Ord. No. 249, 6/19/84)

§ 17-226 ILLEGAL DUMPING OF SOLID WASTES, PRESUMPTION.

It is unlawful for any person to litter, dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash, on property owned by another person with or without the written permission of the owner or occupant of the property, or on any public highway, street or road, public parks or recreation areas, including but not limited to, the public areas surrounding Ten Acre Lake, or upon any other public property except that designated for such use. (Ord. No. 249, 6/19/84; Ord. No. 286, 8/6/85)

§ 17-227 INJUNCTION.

In addition to any other remedies provided in this article, the director of health may institute proceedings in the district court seeking an injunction to restrain a violation of this article or the rules, regulations or standards adopted thereunder and to restrain the maintenance of a public nuisance. (Ord. No. 249, 6/19/84)

§ 17-228 PENALTY.

Any person who violates any of the provisions of this article or the rules, regulations or standards as adopted by this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in § 1-108 of this code. (Ord. No. 249, 6/19/84)

CHAPTER 3

STORM WATER UTILITY

§ 17-301	Purpose.
§ 17-302	Scope.
§ 17-303	Legislative findings and policy.
§ 17-304	Creation of storm water utility.
§ 17-305	Definitions.
§ 17-306	Funding of storm water utility.
§ 17-307	Storm water fund.
§ 17-308	Operating budget.
§ 17-309	Storm water user's fees established.
§ 17-310	Drainage fees established.
§ 17-311	Property classification for storm water user's fee.
§ 17-312	Property classification for drainage fee.
§ 17-313	Base rate.
§ 17-314	Adjustments to storm water and drainage fees.
§ 17-315	Property owners to pay charges.
§ 17-316	Billing procedures and penalties for late payment.
§ 17-317	Appeals of fees.

§ 17-301 PURPOSE.

It is the purpose of this chapter to protect, maintain and enhance the environment of the city and the short-term and long-term public health, safety and general welfare of the citizens of Choctaw by controlling discharges of pollutants into the city's storm water drainage system, and to maintain and improve the quality of the community waters into which the storm water outfalls flow including, without limitation, the lakes, rivers, streams, ponds, wetlands, sinkholes and groundwater of the city. It is further the purpose of this chapter to address the mandates of the federal government and to establish a storm water utility to promote public health, safety and welfare by providing for studying, designing, operating, constructing, equipping, maintaining, acquiring and owning within the city a storm water drainage system. The establishment of a storm water drainage system would:

- A. Reduce flood and storm losses and inconveniences from uncontrolled storm water runoff

in the city;

- B. Improve conditions so that the movement of emergency vehicles is neither prohibited nor inhibited during storm or flood periods; and
- C. Preserve the city's watercourses, improve and preserve water quality, minimize water quality degradation and otherwise facilitate urban water resource management techniques, including both the reduction of pollution and the enhancement of the urban environment including, but not limited to, the NPDES permit requirements and such other requirements of the city, state and federal governments. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-302 SCOPE.

This chapter establishes methods to regulate the introduction of pollutants into the municipal storm sewer system and enables the city to comply with all applicable state and federal laws including, but not limited to, the Clean Water Act, the Oklahoma Environmental Quality Act (Title 27A O.S. §§ 1-1-101, et seq.) and the storm water regulations (40 CFR Part 122). The objectives of this chapter are to allow the city:

- A. To regulate the introduction of pollutants to the municipal storm sewer system by storm water discharges by any user;
- B. To control spills, dumping or disposal of materials other than storm water into the municipal storm sewer system;
- C. To prohibit illicit discharges into the municipal storm sewer system;
- D. To carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this Code; and
- E. To comply with NPDES permit conditions and any other federal or state law pertaining to storm water quality to which the city is subject. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-303 LEGISLATIVE FINDINGS AND POLICY.

The city council finds, determines and declares that the storm water system which provides for the collection, treatment, storage and disposal of storm water provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazards to property and life resulting from storm water runoff; improvements in general health and welfare through reduction of undesirable storm water conditions; and improvements to the water quality in the storm water and surface water system and its receiving waters. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-304 CREATION OF STORM WATER UTILITY.

- A. For those purposes of the Federal Clean Water Act and of the Oklahoma Environmental Quality Act (Title 27A O.S. §§ 1-1-101, et seq.), there is created a storm water utility which shall consist of a manager or director and such staff as the city council shall authorize.
- B. The storm water utility, under the supervision and control of the city manager of the city, shall:
1. Administer the acquisition, design, construction, maintenance and operation of the storm water utility system, including capital improvements designated in the capital improvement program;
 2. Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility storm water system, including, but not limited to, the quantity, quality and/or velocity of the storm water conveyed thereby;
 3. Advise the city council and other city departments on matters relating to the utility;
 4. Prepare and revise a comprehensive drainage plan for adoption by the city council;
 5. Review plans and approve or deny, inspect and accept extensions and connections to the system;
 6. Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;
 7. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-305 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

- A. "Base rate" means the storm water user=s fee for a detached single family residential

property in the city.

- B. “Construction” means the erection, building, acquisition, alteration, reconstruction, improvement or extension of storm water facilities; preliminary planning to determine the economic and engineering feasibility of storm water facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of storm water facilities; and the inspection and supervision of the construction of storm water facilities;
- C. “Developed property” means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements.
- D. “Exempt property” means all properties classified as city, state and federal roads, bridges, highways, streets and rights-of-way; or city parks, city buildings, city facilities and open spaces owned or operated by the city.
- E. “Fee” or “Storm water user’s fee” means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of storm water management and of operating, maintaining, and improving the storm water system in the municipality. The storm water user’s fee is in addition to any other fee that the municipality has the right to charge under any other rule or regulation of the municipality.
- F. “Fiscal year” means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.
- G. “Impervious surface” means a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- H. “Impervious surface area” means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns or other means of support or enclosure.
- I. “Other developed property” means developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, and churches.
- J. “Person” means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

- K. “Property owner” means the property owner of record as listed in the county’s assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.
- L. “Single family residential property” means a developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition.
- M. “Storm water” means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.
- N. “Storm water management fund” or “fund” means the fund created by this ordinance to operate, maintain, and improve the city’s storm water system.
- O. “Storm water management” means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.
- P. “Surface water” includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- Q. “User” shall mean the owner of record of property subject to the storm water user’s fee imposed by this ordinance. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-306 FUNDING OF STORM WATER UTILITY.

Funding for the storm water utility’s activities may include, but not be limited to, the following:

- A. Storm water user’s fees.
- B. Drainage fees.
- C. Civil penalties and damage assessments imposed for or arising from the violation of the city’s storm water management ordinance.
- D. Storm water permit and inspection fees.
- E. Other funds or income obtained from federal, state, local, and private grants, or revolving funds.

To the extent that the storm water user fees and drainage fees collected are insufficient to

construct needed storm water drainage facilities, the cost of the same may be paid from such city funds as may be determined by the city council. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-307 STORM WATER FUND.

All revenues generated by or on behalf of the storm water utility shall be deposited in a storm water utility fund and used exclusively for the storm water utility. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-308 OPERATING BUDGET.

The city council shall adopt an operating budget for the storm water utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-309 STORM WATER USER'S FEES ESTABLISHED.

There shall be imposed on each and every developed property in the city, except exempt property, a storm water user's fee, which shall be set from time to time by motion or resolution, and in the manner and amount prescribed by this ordinance. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-310 DRAINAGE FEES ESTABLISHED.

There shall be imposed on each and every undeveloped property in the city, except exempt property, a drainage fee, which shall be set from time to time by motion or resolution, and in the manner and amount prescribed by this ordinance. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-311 PROPERTY CLASSIFICATION FOR STORM WATER USER=S FEE.

- A. Property classifications. For purposes of determining the storm water user's fee, all properties in the city are classified into one of the following classes:
1. Single family residential property;
 2. Other developed property;
 3. Exempt property.
- B. Single family residential fee. The city council finds that the intensity of development of most parcels of real property in the city classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the city

shall be charged a flat storm water management fee regardless of the size of the parcel or the improvements.

- C. Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the city shall be charged a flat storm water management fee regardless of the size of the parcel or the improvements.
- D. Exempt property. There shall be no storm water user's fee for exempt property. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-312 PROPERTY CLASSIFICATION FOR DRAINAGE FEE.

- A. Property classifications. For purposes of determining the drainage fee, all properties in the city are classified into one of the following classes:
 - 1. Single family residential property;
 - 2. Other developed property;
 - 3. Undeveloped property;
 - 4. Exempt property.
- B. Single family residential fee. The city council finds that the intensity of development of most parcels of real property in the city classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the city shall be charged a flat drainage fee, equal the base rate, regardless of the size of the parcel or the improvements.
- C. Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the city shall be charged a flat drainage fee regardless of the size of the parcel or the improvements
- D. Undeveloped property fee. The fee for all undeveloped property in the city shall be charged a flat drainage fee regardless of the size of the parcel or the improvements
- E. Exempt property. There shall be no drainage fee for exempt property. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-313 BASE RATE.

The city council shall, by motion or resolution, establish the base rate for the storm water user's fee and drainage fee. The base rate shall be calculated to insure adequate revenues to fund the costs of storm water management and to provide for the operation, maintenance, and capital

improvements of the storm water system in the city. Future increases to the rate may be based on size of the parcel or the improvements. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-314 ADJUSTMENTS TO STORM WATER AND DRAINAGE FEES.

The storm water utility shall have the right on its own initiative to adjust upward or downward the storm water user's fees with respect to any property, based on the approximate percentage on any significant variation in the volume or rate of storm water, or any significant variation in the quality of storm water, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the storm water utility shall take into consideration the location, geography, size, use, impervious area, storm water facilities on the property, and any other factors that have a bearing on the variation. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-315 PROPERTY OWNERS TO PAY CHARGES.

The owner of each non-exempt lot or parcel shall pay the storm water user's fees and charges as provided in this ordinance. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-316 BILLING PROCEDURES AND PENALTIES FOR LATE PAYMENT.

- A. Rate and collection schedule. The storm water user's fee and drainage fee must be set at a rate, and collected on a schedule, established by ordinance or resolution.
- B. Delinquent bills. The storm water user's and drainage fees shall be paid in accordance with the same ordinances as the payment of the other city utilities and shall become delinquent as of 25 days following the billing. Any unpaid storm water user's fee shall bear interest at the legal rate if it remains unpaid after 15 days following the billing.
- C. Penalties for late payment. Storm water user's fees and drainage fees shall be subject to a late fee as established by ordinance or resolution for other utilities. The city shall be entitled to recover attorney's fees incurred in collecting delinquent drainage fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the municipality.
- D. Mandatory statement. Each bill that shall contain storm water user's and drainage fees shall contain the following statement in bold:

THIS FEE HAS BEEN MANDATED BY CONGRESS. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

§ 17-317 APPEALS OF FEES.

- A. Generally. Any person who disagrees with the calculation of the storm water user's fee and/or drainage fee, as provided in this ordinance, or who seeks a storm water user's fee

and/or drainage fee adjustment based upon storm water management practices, may appeal such fee determination to the city within thirty (30) days from the date of the last bill containing storm water user's and drainage fees charges. Any appeal shall be filed in writing and shall state the grounds for the appeal. The public works director may request additional information from the appealing party.

- B. Adjustments. Storm water user's fee and/or drainage fee adjustments for storm water management practices may be considered for: reductions in runoff volume including discharge to a non-city drainage system; and properly designed constructed and maintained existing retention facilities, i.e. evaporation and recharge. Based upon the information provided by the utility and the appealing party, the public works director shall make a final calculation of the storm water drainage fee. The city shall notify the parties, in writing, of its decision. (Ord. No. 613, 12/13/05 *This Section was moved from Part 18 to Part 17 with the 2017 Codification.*)

CHAPTER 4

(RESERVED)

This Section was moved from Part 17 to Part 18, Ord. No. 742, 01/04/16

CHAPTER 5

UTILITY PROCEDURES

§ 17-501	Purpose; definitions.
§ 17-502	Service mandatory; lien.
§ 17-503	Application for utility service.
§ 17-504	Security deposits.
§ 17-505	Guarantees for entities.
§ 17-506	Service fees and charges.
§ 17-507	Billing and collection.
§ 17-508	Interest; attorney fees and costs.
§ 17-509	Utility services to leased property.
§ 17-510	Applicability.

§ 17-501 PURPOSE; DEFINITIONS.

- A. Purpose. The following regulations as adopted by the City of Choctaw, Oklahoma, are published for the information and guidance of all users of the public utility system of the city and are declared to be part of the contract for services between the city and the owner of premises where such service is furnished.
- B. The following definitions shall apply throughout this ordinance and related rules and regulations:
 - 1. “Customer” means any person or entity who is an owner, landlord or deed holder of property who enters into a contractual agreement with the city to receive and pay for utility services to include water, sewer, sanitation and storm water provided or available to be provided by the city to a premises. Customers may, but need not be, the direct customers or recipients of the services provided. Customers include indirect consumers and recipients and owners who receive benefit or whose property is directly or indirectly benefited or enhanced by the provisions or the availability or charges for utility services.
 - 2. “Person” means any individual eighteen (18) years or older or an emancipated minor.
 - 3. “City” means the City of Choctaw, Oklahoma.
 - 4. “Choctaw Utilities Authority” means a public trust created under the laws of the State of Oklahoma and the city is the beneficiary thereof.

5. “Entity” means any business or other organization created by or pursuant to statute or private agreement other than a natural person, including but not limited to corporations, limited liability companies, trusts, and partnerships.
6. “Utility Account” means an account established in accordance with this code for the providing of utility services to include but not limited to water, sewer, sanitation or storm water or any combination thereof.
7. “Owner” means all persons and entities with an ownership interest in the property or premises as recorded by the Oklahoma County Assessor. (Ord. No. 654, 10/28/08)

§ 17-502 SERVICE MANDATORY; LIEN.

- A. The utility service charges levied and assessed by ordinances of the city shall be payable for each lot, parcel of land, building or other premises, whether occupied or vacant, within or without the Choctaw corporate limits, having a connection with the water and/or sanitary sewer system of the city. By submitting an application and establishing an account the customer consents to a contract for services which includes storm water and sanitation fees and the provisions of this ordinance and into which the provisions of this ordinance are deemed incorporated by reference. Any charges for utility services to such premises which are not paid in full when due shall become a contractual lien against the premises serviced by the connection with the city’s utility system. The terms of the granting of the lien and the rights of the parties shall be set forth in the application and utility service agreement which shall be executed by the customer and shall be a binding contract between the customer and the city.
- B. All property within or outside the city shall be subject to the monthly service charge for storm water and sanitation if such property is developed whether it has a connection to the sanitary sewer and/or water system of the city.
- C. By directly or indirectly accepting utility service or the benefit or enhancement of utility service or the availability of utility service from the city, the customer shall agree to pay for such service and agree such charges shall be charge or imposed on the property and shall be a continuing lien on the property, paramount and superior to all liens or other subsequent obligations of the customer secured by the property, from the date the city’s lien is recorded with the Oklahoma County Clerk. (Ord. No. 654, 10/28/08)

§ 17-503 APPLICATION FOR UTILITY SERVICE.

- A. Any person or entity who owns or leases a premises or real property to be occupied by residence or business shall establish a utility service account to pay for water, sewer, sanitation and storm water service or any combination thereof to the premises, or the availability of such services to the premises. Any person or entity to which utility services from the City is available shall make application to the office of the city clerk or utility billing clerk as outlined in § 2-1 of Resolution No. 95-3. The application shall be signed by all persons or entities having an ownership or leased interest of record in the

premises to be served. At the discretion of the city clerk or utility billing clerk, the applicant for services may be required to provide any or all of the following information:

1. The official address and/or legal description of the premises to be served.
 2. The name and address to be used for purposes of billing statements.
 3. The location of all meters serving the applicant's premises.
 4. The applicant's social security number or federal tax id number.
 5. The service address previous utility services were provided to the applicant.
 6. Picture identification from a government entity.
- B. The applicant shall submit to the utility billing clerk such proof of ownership or lease of the property to benefit from the utility service or other personal and financial identification to the satisfaction of the city clerk or the utility billing clerk.
- C. The application shall constitute a general waiver on the part of the applicant of any claim for offset, damage or breach against the city resulting from or occasioned by any defective plumbing or appliance installed or caused to be installed by the owner, lessee or occupant at the premises described in the application.
- D. In addition to the utility service agreement, the application shall also constitute and be construed as a continuing offer of the part of the customer to purchase and be responsible for the cost of the utility services from the city and provision of the utility service or the availability of utility service shall be deemed acceptance of the offer. The applicant shall be the customer and shall be responsible for payment of all utility service charges, fees and penalties until the customer's utilities service agreement is mutually terminated and the responsibility for the service has been officially transferred by the city to a new applicant notwithstanding the transfer of ownership of the property or premise and the ability of the city to jointly or severally charge and collect utility service charges from another person or entity. Acceptance of a utility charge from one person or entity not the current applicant or customer shall not waive the right of the city to collect any other or additional sum due for utility service to said same property or premise from the person or entity official listed as the applicant or customer.
1. The applicant is a person or entity who owes the city, or any other municipality who has entered into an interlocal agreement concerning delinquent utility accounts, on a utility service contract for that premises or any other premises; or
 2. If the application is accepted and a utility account is opened, the customer, which shall be either all persons or entities having an ownership interest or if leased all persons or entities having a leased interest in the premises to be served, shall execute a utility services agreement agreeing to be responsible for all charges for utilities rendered to the premises in a form and manner approved by the city

manager and if the customer is a person or entity having an ownership interest the utility services agreement shall authorize the attachment of a contractual lien on the property or premises for any unpaid utility service charges. The utility services agreement must be so executed prior to utility service being established.

3. All owners, whether buying, selling or leasing the premises served by the city, shall notify the city of the transfer of the ownership or lease of the premises and that the utility account is paid to the date of the transfer of title. Each customer's obligation on the utility account for services after the date of transfer shall terminate only if the city has been notified in writing of transfer of ownership or lease. (Ord. No. 654, 10/28/08)

§ 17-504 SECURITY DEPOSITS.

Security deposits shall be as provided in § 2-2 of Resolution 95-03. (Ord. No. 654, 10/28/08)

§ 17-505 GUARANTEES FOR ENTITIES.

In cases where the customer is an entity, the utility account established in the entities= name must be unconditionally guaranteed by the officers of the entity, or in the case of a partnership, by all members of the partnership, whether general or limited, and all members of a limited liability corporation. In lieu of an unconditioned guarantee, the city may accept a surety bond issued by a surety company authorized to do business in the state of Oklahoma, conditioned upon the payment in full of all charges and fees assessed for utility services rendered to the premises. The amount and form of the guarantee shall be determined by the city manager as sufficient to protect the city from potential loss of fees and charges for utility services to be rendered to the premises. (Ord. No. 654, 10/28/08)

§ 17-506 SERVICE FEES AND CHARGES.

- A. For the purpose of providing funds for the operation, maintenance, repair, and replacement of the utility system of the City, there are fixed and established charges for the use of such system levied and to be levied against each respective customer thereof within and without the City, as provided in Resolution No. 95-03. (Ord. No. 654, 10/28/08)
- B. To charge a surcharge fee in the amount of \$.55 per month per sewer customer for the purpose of proper disposal of sludge generated by the Wastewater Treatment Plant as required under the federal environmental rules and regulations. (Ord. No. 654, 10/28/08; Ord. No. 691, 12/18/12)

§ 17-507 BILLING AND COLLECTION.

The utility billing clerk of the City of Choctaw shall be responsible for the billing and collection of utility charges, which shall be assessed, levied and collected in conjunction with the administration of the charges for sanitation and storm water fees supplied by the city. The same shall be subject to and governed by the valid and applicable rules and regulations from time to

time established by the city and CUA with respect to the collection of utility charges. The utility charges shall be a lien upon all real property served by the city. On or before sixty (60) days after termination or unpaid bills, the utility billing clerk shall, in accordance with regulations established by the city, determine the amount delinquent utility charges, together with all other fees, charges and sums authorized by law, contract, or this ordinance and verify and submit such delinquent utility charges to the city clerk, who will file with the Oklahoma County Clerk a lien on the real property pursuant to the contractual lien granted to the city under the utility services agreement executed by the owner or lessee of the premises served and shall be collected in the same manner as other liens. Upon payment in full to the city of delinquent utility charges and fees, together with all other costs and fees authorized by this ordinance that have been secured by a lien filed with the Oklahoma County Clerk, the utility billing clerk will verify said satisfactory payment to the city clerk, who shall file with the Oklahoma County Clerk an appropriate release of the lien. (Ord. No. 654, 10/28/08)

§ 17-508 INTEREST; ATTORNEY FEES AND COSTS.

Unless otherwise provided in the utility service agreement, the customer agrees that delinquent accounts shall accrue interest on the unpaid balance until paid in full in an amount equal to the statutory rate of interest or the rate of interest on judgments as established by the Oklahoma Supreme Court, whichever shall be the greater. In addition, the city shall be entitled to recover a reasonable attorney's fee and costs incurred in the event collection efforts are required to recover sums due on accounts. Interest, attorney's fees and other costs may be included in and secured by the lien filed against the property as provided herein. (Ord. No. 654, 10/28/08)

§ 17-509 UTILITY SERVICES TO LEASED PROPERTY.

No person or entity, being the owner or other person in charge or having control of real property, shall knowingly cause or permit such real property to be leased, rented or otherwise occupied for human habitation purposes without first providing a lease or rental agreement which shall require the renter or leasee to obtain utility services to such premises or property. (Ord. No. 654, 10/28/08)

§ 17-510 APPLICABILITY.

From and after the effective date of this ordinance, any accounts existing on the effective date of this ordinance which become delinquent two (2) times, new accounts for utility service, including existing accounts being transferred to a different person or entity or to a different location, or any other action resulting in a change in an account shall require execution of a utility service agreement and be subject to the provisions of this ordinance. (Ord. No. 654, 10/28/08)

CHAPTER 6

PRO-RATA EXTENSION
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GENERAL PRINCIPLES

- § 17-601 Purpose.
- § 17-602 Definitions.
- § 17-603 General.

ARTICLE B
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ARTICLE D
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CHAPTER 6
PRO-RATA EXTENSION

ARTICLE A

GENERAL PRINCIPLES

§17-601 PURPOSE

The purpose of this chapter is to provide the orderly, safe and healthy development of the area within the Choctaw Utility Authority jurisdiction and to promote the health, safety and general welfare of the community.

It is also the purpose of this chapter to establish responsibilities for the extension of water and sewer mains to establish responsibilities for paying for the cost of constructing the water and sewer improvements, preparing the engineering and survey work necessary to design and install the water and sewer improvements and the cost of inspecting any and all construction undertaken pursuant to this chapter. This chapter is designed to be used in conjunction with the Subdivision and Utilities Ordinance. It also is to ensure an orderly development plan for the growth of the community, ensure the creation and effective operation of a utility infrastructure and to support reasonable levels of development with the community. (Ord. No. 743, 01/19/16)

§17-602 DEFINITIONS

- A. **Applicant.** Any owner of real property or developer who is requesting a pro rata agreement.
- B. **Authority.** Choctaw Utilities Authority
- C. **Beneficiary.** The person named to receive proceeds or benefits.
- D. **Benefit Area.** Any parcel(s) of real property benefited by an improvement, or any portion thereof, acquired or constructed pursuant to this Chapter with respect to which a pro rata agreement can be or has been entered into.
- E. **Cost.** Those acts (excluding interest charges, financing cost, fees, right of way and/or easement(s) acquisition, and design) incurred by construction, materials and installation required in order to create an improvement for water or sewer improvements which complies with the Authority's standards.
- F. **Developer.** The party responsible for constructing water and/or sanitary sewer improvements. The term Developer includes the Authority should the Authority construct at its expense or pay for improvements.
- G. **Development.** Any activity that requires the submission of a subdivision plat, subdividing of property, margining of property, development plan, or the securing of a building permit.

- H. **Escrow.** Money placed in the possession of the Authority to accomplish the purposes set out in this Chapter.
- I. **Pro Rata.** Proportionate share to be received or an amount to be paid based on the fractional share of ownership and responsibility.
- J. **Pro Rata Agreement.** An agreement between the Authority and a developer, or between the Authority and a property owner, approved by the Choctaw Utilities Authority, establishing reimbursement procedures for the cost of water and/or sanitary sewer improvements constructed by a developer.
- K. **Pro Rata Category.** The terms below are to be used in determining the proper formula for establishing the pro rata charge.
1. **Bend.** The area on the junction of and abutting two or more intersecting streets or utility easements where the interior angle of intersection does not go below 45 degrees but does not exceed 90 degrees.
 2. **Branching.** To increase the quantity or bulk by adding more of a utility main by connecting to an existing pro-rata main and the interior angle of intersection does not exceed 135 degrees. It only applies to a rear and stretch pro-rata mains
 3. **Dual Sided.** Having two sides or characteristics of a water or sanitary sewer utility main
 4. **Frontage.** The length of land that lies adjacent to a public or private street. Private access easement does not apply.
 5. **Passage.** To increase the quantity or bulk by adding more of a utility main by traversing or traveling across a right of way.
 6. **Rear.** The boundary length of land that lies to the opposite end of the frontage, but does not intersect the frontage.
 7. **Stretch.** To increase the quantity or bulk by adding more of a utility main by connecting to an existing pro-rata main and traveling within a public easement or right of way. The interior angle of intersection exceeds 135.1 degrees.
 8. **Triple Sided.** Having three sides or characteristics of a water or sanitary sewer utility main.
- L. **Pro Rata Charge.** A monetary charge to a property owner to reimburse a developer for the installation, extension, or any related construction cost of improvements provided by a developer to accommodate water and/or sanitary sewer.

- M. **Property Owner.** The record owner of the real property upon which is being served or to be served.
- N. **Utility.** The water and/or sewer improvements and all operations and management of such improvements necessary to provide water and/or sewer service. (Ord. No. 743, 01/19/16)

§17-603 GENERAL

- A. This ordinance shall not serve to waive any other provisions of the Choctaw Code of Ordinance.
- B. The responsible party will pay the pro-rata amount of the total set payment
- C. By entrance into a pro rata contract, the Authority makes no guarantee as to the availability of water supply, reclaimed water supply and/or wastewater treatment capacity beyond that which would be available to any other developing properties.
- D. All improvements and extensions to the Authority's water and sewer system must be constructed in accordance with the Authority's approved standards and any other state regulatory standards.
- E. All water and sewer mains, appurtenances, easements, surveying, engineering, permitting, inspections and services shall be the responsibility of the Developer.
- F. Pro-rata fee and other associated fees will be charged to all new customers for the initial connection to the Authority's water and/or sanitary sewer systems.
- G. Water and Sanitary sewer services connecting a structure shall be installed by an Oklahoma Licensed Plumber.
- H. All water services shall be metered, and the meter shall be located at the right of way or in a dedicated waterline easement. The Authority does not allow private sub-metered for the purpose of charging other water users except as may be provided by state law. Duplexes are required to provide a separate water meter to each residential unit. Other multi-family (5 or more) units or multiple commercial units within one lot may be serviced by a master meter. Non-residential developments are required to provide a separate water meter to each lot that is separated by plat.
- I. In addition to the policies listed herein the extension of public water and sanitary sewer improvements will comply with local Comprehensive Plans and other requirements of the appropriate jurisdiction. (Ord. No. 743, 01/19/16)

ARTICLE B

PRO RATA DESIGN

§17-615 UTILITY PRO-RATA

A. Pro rata classification can be determined below. A general description is given to calculate the pro rata charge based off its classification. They are listed as follows:

1. Bend – when the property has a corner pro-rata utility main, the property owner must pay a minimum of 50% of the parts and labor cost to connect to said utility pro-rata main. The cost shall apply if there is only a single pro-rata system or more than one established pro-rata system.
2. Branch – when the property has a pro-rata utility main installed within an easement that crosses the property, the property owner must pay a minimum of 50% of the parts and labor cost to connect to said utility pro-rata main. The distance to measure shall be the closest property boundary line length to the pro-rata main.
3. Dual Sided – when the property has two pro-rata utility mains, the property owner must pay a minimum of 50% of the parts and labor cost to connect to said utility pro-rata main. The cost shall apply to more than one established pro-rata system on any property line.
4. Stretch - when the property has a pro-rata utility main that is extended across and/or along the frontage of the property, the property owner must pay a minimum of 50% of the parts and labor cost to connect to said utility pro-rata main. The distance to measure shall be the closest property boundary line length to the pro-rata main. This applies only to the connection to an existing utility main that crosses or is located in the rear of a private property within a public easement.
5. Rear – when the property has a pro-rata utility main installed within the rear of the property, the property owner must pay a minimum of 50% of the parts and labor cost to connect to said utility pro-rata main.
6. Passage – when a pro-rata utility main is located across a right of way or public roadway easement, the developer must pay 100% of the parts and labor cost to connect to said utility pro-rata main to serve the developer's property. The interior angle of the intersecting pro-rata shall not exceed 135 degrees.
7. Triple Sided - when the property has three pro-rata utility mains, the property owner must pay a minimum of 50% of the pro-rata where the service is connected. A minimum of 25% of the parts and labor for the other two pro-rata mains shall be paid for by the property owner.

B. If a property is not a conforming lot along the front or rear of the property, said property will have to pay a minimum footage based on the lot size. A non

conforming lot can be one that does not have any frontage or rear property along a dedicated public right of way or doesn't meet the minimum frontage requirement set forth within the zoning ordinance. Said property owner has to apply the minimum footage based on their lot area. Refer to the Pro-Rata Minimum Footage in Table 17-6-1

Table 17-6-1

Pro-Rate Minimum Footage	
Lot Area	Minimum Footage
10,000 ft ²	75 feet
14,000 ft ²	90 feet
21,000 ft ²	100 feet
1 acre	110 feet
2 – 2.99 Acres	125 feet
3 – 4.99 Acres	200 feet
5 acres and +	330 feet

Please note, if the property is less than 10,000 ft² in area, which said lot shall have a minimum footage of 75 feet to be applied to its stretch or rear pro rata classification.

C. For clarification on classification an example on how to apply said pro rata, please refer to the appendix. (Ord. No. 743, 01/19/16)

§17-616 AGREEMENTS AND CHARGES

- A. Pro rata agreements and pro rata charges are subject to the following requirements:
 - a. Upon approval of the application, the Authority and applicant shall enter into a pro rata agreement.
 - b. Prior to commencing construction of the water and/or sewer improvement, or prior to acceptance by the Authority of the improvement, the developer shall submit to the Authority a written request for the establishment of pro rata charges for the improvements under this ordinance. The request shall comply with all requirements of this ordinance and shall include documentation of the cost associated with the construction of the improvement, including a copy of the actual construction contract with the unit prices as well as an engineer's cost estimate for a system sized for only the developer's property and existing off-site conditions with a cost estimate for the costs of the improvements. The Cost of the improvement shall be calculated on the basis of the fully developed water and/or sewer improvement.
 - c. The City Engineer, or designated representative, shall verify the developer's cost calculations for reimbursement. In the event of a discrepancy, the City Engineer, or designated representative, shall establish the calculated cost

for the pro rata charge. The City's cost calculations may be appealed to the City of Choctaw's Board of Adjustments.

- d. The pro rata charge shall be paid by a property owner prior to final plat approval of the property owner's property. Should a final plat approval not be required the pro rata charge shall be paid prior to the issuance of a building permit.
 - e. In collecting a pro rata charge from a property owner, the Authority is performing a governmental function and thereby has governmental immunity to any claim or action from a developer under this ordinance or the applicable pro rata agreement. The City of Choctaw and Choctaw Utility Authority shall not be liable to the developer should it make a mistake in calculating the applicable pro rata charge or inadvertently fail to collect a pro rata charge, whether or not the City or Authority acted negligently. In such case, upon written request from the developer, the Authority will assign its right to collect such pro rata charge to the developer.
- B. Upon approval of a Pro Rata agreement by the Authority, a pro rata charge shall be assessed against all property owners and their real property within the benefit area in order to reimburse the developer for the cost of construction of improvements. All pro rata agreements shall include exhibits listing the affected properties, listing the estimated amounts of the pro rata charges that will be due from each property owner and showing a location map of the improvements. The actual amount of the pro rata charges will be determined in accordance with the formula at the time the pro rata charges are established. Prior to approving a pro rata agreement the developer shall submit to the Authority a scaled "As-Built" drawing to clearly identify the perimeters of the pro-rata boundary that will be subject to the pro rata agreement.
- C. The public improvement Three Way Agreement between the Developer, the developer's contractor, and the Choctaw Utilities Authority (the "Three Way Agreement") shall provide for the construction of the improvements at the cost of the Developer. The Three way Agreement shall be executed and the Developer shall pay all permit fees, including but not limited to impact, review and inspection fees, if applicable, prior to the release of a construction permit by the City. The Developer will look solely to the property owners within the area for reimbursement of the construction through the pro rata charges provided for in this ordinance and in the applicable pro rata agreement.
- D. In order to become effective, a pro rata agreement must be recorded with the Oklahoma County Clerk. After the pro rata agreement has been signed by all parties, the applicant shall record the agreement, with a notice legally describing all properties within the benefited area.

- E. The Authority shall record the pro rata agreement with the Oklahoma County Clerk within 10 days after the final signature is obtained on the pro rata agreement. The applicant will pay all filing fees.
- F. Nothing in this chapter shall be construed as requiring the Authority to enter into a pro rata agreement. The Authority reserves the right to deny any application.
- G. The beneficiary may not recover more than the total of the costs of the project allowance. In such an event, the Choctaw Utilities Authority will then become the beneficiary. Those funds are to be used for water or sanitary sewer system capital improvements.
- H. If any construction of the improvements is financed by an awarded grant from a public state or federal agency, the pro-rata system will not apply. (Ord. No. 743, 01/19/16)

ARTICLE C

PROCEDURE

§17-630 PRELIMINARY AGREEMENT AND PERMIT

The estimated pro rata agreement and construction design shall be submitted to the Authority by filing an application, notify and publish the Authority hearing date, time, place, and scope of work, pro rata recommendation, list of property owners within the benefit area, proposed cost of the property owners, and engineering drawing(s) at least twenty (20) days prior to the Choctaw Utility Authority meeting at which it is to be considered. Staff will perform a review of the proposed pro rata and report to the Authority. (Ord. No. 743, 01/19/16)

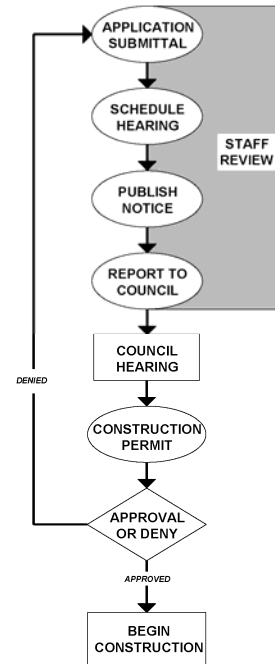
§17-631 APPLICATION

Any owner or developer of real property who or which is required by the Authority to bear the costs of constructing and installing improvements which are dedicated to, or acquired for, public use and which contain supplemental size, capacity, numbers or length which benefit or benefits property not owned by said owner or not within said developer's subdivision, may apply for a pro rata agreement pursuant to which such improvements shall be acquired or constructed and providing for reimbursement costs thereof from the benefit area(s).

A request to enter into a pro rata agreement shall be done by filing a written application with the City clerk. The written application shall include:

- A. Each applicant's name, physical address, mailing address, and telephone number;
- B. Preliminary utility design drawing(s);
- C. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the City);
- D. Scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the proposed water or sewer improvements, the location, the proposed benefited area, and dimensions;
- E. Separate legal description for each tax parcel within the developer's proposed development area(s);
- F. A copy of the current deed that is filed with the Oklahoma County Clerk;
- G. An estimated amount of the pro rata charge that each owner of real property in the proposed benefited area will pay, which shall be established by a licensed civil engineer and in a sum so that each owner may be assessed a fair, pro rata share of the cost of construction of the water or sewer improvements that is proportional to the benefits which accrue to each owner; and
- H. Any other information as the Authority staff determines is necessary to properly review the application. (Ord. No. 743, 01/19/16)

Figure 17-6-1



§17-632 HEARING AND NOTICE

After a completed application has been filed with the City Clerk and all appropriate

fees have been paid, the Authority shall hold a public meeting to consider the application.

Owners of real property to be affected shall be given notice of such public meeting at least fourteen (14) days in advance of the public meeting. Notice shall be by certified mail to owners as listed in the records of the Oklahoma County Treasurer and Assessor.

Notice by certified mailed shall be presumed complete five (5) days after mailing. The applicant shall draft and mail the notices specified herein and shall sign an affidavit of mailing to assure notices are complete and file a copy of the notice and affidavit of mailing with the City Clerk seven (7) days prior to the public meeting. (Ord. No. 743, 01/19/16)

§17-633 REVIEW AND REPORT

Staff will review the application for all the necessary requirements to determine the pro-rata. Staff will report their findings and concerns to the City Council. City Council will take staff recommendations in their decision making.

City staff or Council may request additional information or require a third party consultant to determine the pro-rata at the cost of the applicant. The request from the City is to provide adequate information in the pro-rata decision making. (Ord. No. 743, 01/19/16)

§17-634 CONSTRUCTION OF IMPROVEMENTS

After the Authority gives authorization to proceed for a pro rata construction permit and approvals have been obtained by the applicant, the applicant shall construct the water or sewer improvements .

Upon final completion of the pro rata construction and final inspection are approved, the applicant can request, in writing, for the acceptance of the water or sewer improvements to the Authority.

All construction, inspection and testing of water or sewer improvements shall conform to City standards. “As-built” drawing must be submitted to the Authority and stamped by the project engineer. The project engineer must also accompany with the drawing a letter notifying the installation meets or exceeds their design and the Authority’s standards. (Ord. No. 743, 01/19/16)

§17-635 TURNING ON WATER SERVICE

Until a contract for water service has been executed and a meter has been installed, water shall not be turned on at any premises by any person except a Water Utility representative. Water service shall not be turned on unless there is at least one (1) adult person present to see that all water outlets on the premises are closed in order to prevent water damage. No person except an authorized representative of the Utility, a Fire Department or the City Street Department shall open, operate or remove the nozzle cap

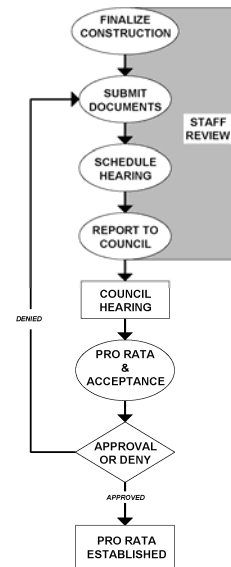
from any fire hydrant to which water is supplied by the Utility. (Ord. No. 743, 01/19/16)

§17-636 ACCEPTANCE OF PRO RATA

The final costs of construction of the water or sewer improvements shall be reviewed against the preliminary assessments established by the City. Upon a showing of good cause as determined by the City, the pro rata agreement shall be modified a single time to include cost overruns up to a maximum of 10 percent.

In the event that actual costs are less than the preliminary assessments by 10 percent or more, the pro rata agreement shall be modified to reduce the charges set forth in the pro rata agreement to the actual costs incurred. For any revisions under this section, the applicant shall cause a revised list of charges to be recorded with the Oklahoma County Clerk. (Ord. No. 743, 01/19/16)

Figure 17-6-2



ARTICLE D

PRO RATA ESTABLISHING

§17-650 CONVEYANCE

Pro rata agreements under this chapter are subject to the applicant conveying full title to all improvements and necessary real property, public easements and rights-of-way. Such improvements, real property, easements, and rights-of-way shall be free of all encumbrances. Easements must provide that the City and/or Authority has no duty to replace or repair improvements built in the easement areas. (Ord. No. 743, 01/19/16)

§17-651 ESTABLISHING PRO RATA AGREEMENT

- A. On and after the passage of this ordinance, the Authority may enter into a Pro Rata Agreement with Developers to impose a Pro Rata Charge due from property owners. The Pro-Rata Charge shall represent the property owner’s pro-rata share of the calculated Cost of Construction in accordance with the following formula:
Cost of material + Cost of installation = Total Construction

Total Construction / Individual Lot’s Pro-rata Classification (refer to Section 17-615) (Ord. No. 743, 01/19/16)

§17-652 TIME LINE

The Authority shall not collect pro rata charges from a property owner or for the developer if more than fifteen (15) years have passed since the completion of the water and/or sewer improvement for which reimbursement is sought.

The collections and pro rata agreement shall have an expiration date. Reimbursement to the applicant shall be as follows:

- A. A pro-rata project less than \$249,999 shall endure for a period no longer than 10 years from the effective date of the agreement and established pro-rata.
- B. A pro-rata projects more than \$250,000, but less than \$999,999 shall endure for a period no longer than 12 years from the effective date of the agreement and established pro-rata.
- C. A pro-rata project more than \$1,000,000 shall endure for a period no longer than 15 years from the effective date of the agreement and established pro-rata.

When calculating the expiration date, the developer’s pro rata for their said development, shall be subtracted to the grand total amount of the reimbursement before finalizing the termination date. Please review Table 17-6-2 as an example for the expiration date. (Ord. No. 743, 01/19/16)

Table 17-6-2

Expiration Date Example	
Grand Total of Pro Rata	\$275,000
Developer’s Property Pro Rata	(-\$35,000)
Total for Termination Date	\$240,000
Effective Date	January 1, 2015
Pro Rata Termination Date	December 31, 2025

§17-653 PAYMENT OF PRO RATA CHARGE

Upon the completion of the water or sewer improvements pursuant to the pro rata agreement, the Authority shall be authorized to approve and accept the same as improvements of the Authority and to charge for their use such water or sewer rates as the Authority may be authorized by law to establish, and if any such water or sewer improvements are so approved and accepted, all further maintenance and operation costs of said water or sewer facility shall be borne by the City after the expiration of bonds.

No connection to, or other use of, the water or sewer improvements will be allowed or permitted until the Authority has officially approved and accepted such improvements .

Each property owner shall pay the applicable pro rata charge prior to final plat, subdividing of land, and/or development plan approval of the Planning Commission.

If a final plat is not required, each property owner shall pay the applicable pro rata charge prior to the issuance of a building or plumbing permit.

Each property owner has the opportunity to a credit period in paying their pro rata charge. If said property owner agrees to connect to the developer's pro rata within the first 9 months after the approval of the Authority's and developers pro rata agreement, which said property owner can make monthly payments of 0% interest within their monthly utility statement. The limitations of the monthly payment plan shall be as follows in Table 17-6-3

Table 17-6-3

Monthly Payment Plan Limitation	
Total Pro-Rata Charge Cost	Maximum Amount of Time
\$0 - \$500	No payment Plan
\$501 - \$7,499	3 years
\$7,500 - \$14,999	4 years
\$15,000 and +	5 years

The developer will look solely to the pro rata charges provided for in this ordinance and the applicable pro rata agreement for reimbursement for the improvement(s). The Authority has no obligation to pay the cost from its general revenues, bond funds, or any other revenues it may receive.

Should any court of competent jurisdiction determine that all or part of this ordinance is unlawful or invalid, the Authority may cease to charge or collect the pro rata charges, and will have no further obligations hereunder or under the applicable pro rata agreement.

Should any court of competent jurisdiction determine that a pro rata charge as applied to a particular property owner is unlawful, the Authority will have no further obligation to collect such pro rata charge. By electing to enter into a pro rata agreement the developer will waive any other claims or causes of action it may have against the City of Choctaw and/or Choctaw Utilities Authority for the costs to construct the improvements other than any claims or causes of action it may have to collect the pro rata charges collected by the Authority under the pro rata agreement.

The Authority shall make pro rata payments to the developer on an annual basis from development fees collected within the service area benefited by the project. A map delineating the benefited service area from which development fees will be collected and reimbursed will be prepared by the developer and made an exhibit to the pro rata contract. (Ord. No. 743, 01/19/16)

§17-654 REQUIRED CONTRACT

A written service application or a properly executed contract will be required from a prospective customer (including a contractor or a builder) before the Utility shall supply service; however, the Utility shall have the right to reject an application for any valid reason. Where unusual construction or equipment expenses will be involved in furnishing

the service, the Utility may require the contract to be for an appropriate period of time specified by the Utility when the contract is executed.

Refer to Section 17-635 for the turning on the service. (Ord. No. 743, 01/19/16)

§17-655 MODIFICATION OF CONTRACT

No promises, agreements or representations by any agent of the Utility shall be binding upon the Utility unless they have been incorporated in a written contract signed and approved by an agent of the Utility authorized to sign that contract on behalf of the Utility. (Ord. No. 743, 01/19/16)

§17-656 INDEMNIFICATION OF PRO RATA AGREEMENT

Upon the applicant recording the pro rata agreement with the Oklahoma County Clerk, the pro rata agreement and charge shall be binding upon all property owners of record within the benefited area who were not parties to the agreement. If a property owner later develops his or her property during the term of the pro rata agreement and is not required to install similar water or sewer improvements because such improvements were already installed under the pro rata agreement, the Authority shall require that owner to reimburse the applicant who initially constructed the improvement pursuant to the reimbursement share previously determined in the pro rata agreement.

Connection to or use of the water or sewer improvements by property owners within the benefited area shall be prohibited and development permission should not be granted unless the Authority has received payment of the pro rata agreement charge.

The pro rata agreement charge shall be in addition to the usual and ordinary charges, including hookup fees, system development charges, and any other fees which must be paid by owners of real property applying for Authority water or sewer services, as required by City ordinances or any other law.

The Authority will exercise its best efforts to assure compliance with this section; however, in no event shall the Authority incur liability for an unauthorized connection to or use of the water or sewer improvements.

Where any tap or connection is made into any water or sewer improvements without payment being made as required by this section, the Authority may order the unauthorized tap or connection and all connecting pipe located on or in the Authority real property, easement or right-of-way removed without any liability or cost to the City or Authority officials.

In such instances where the beneficiary cannot be located after reasonable search as deemed appropriate by the Authority, the Choctaw Utilities Authority becomes the beneficiary and the original beneficiary and beneficiary's successors and assigns forfeit all rights thereto. Funds to be used for water and sewer system improvements.

Existing water and sewer installments prior to the adoption of this ordinance will not be eligible for the Pro-rata system. (Ord. No. 743, 01/19/16)

ARTICLE E

ENFORCEMENT

§17-670 DEFECTIVE WORK

The applicant shall be responsible for all work found to be defective within two (2) years after the date of approval and acceptance of the water or sewer improvements by the Authority. (Ord. No. 743, 01/19/16)

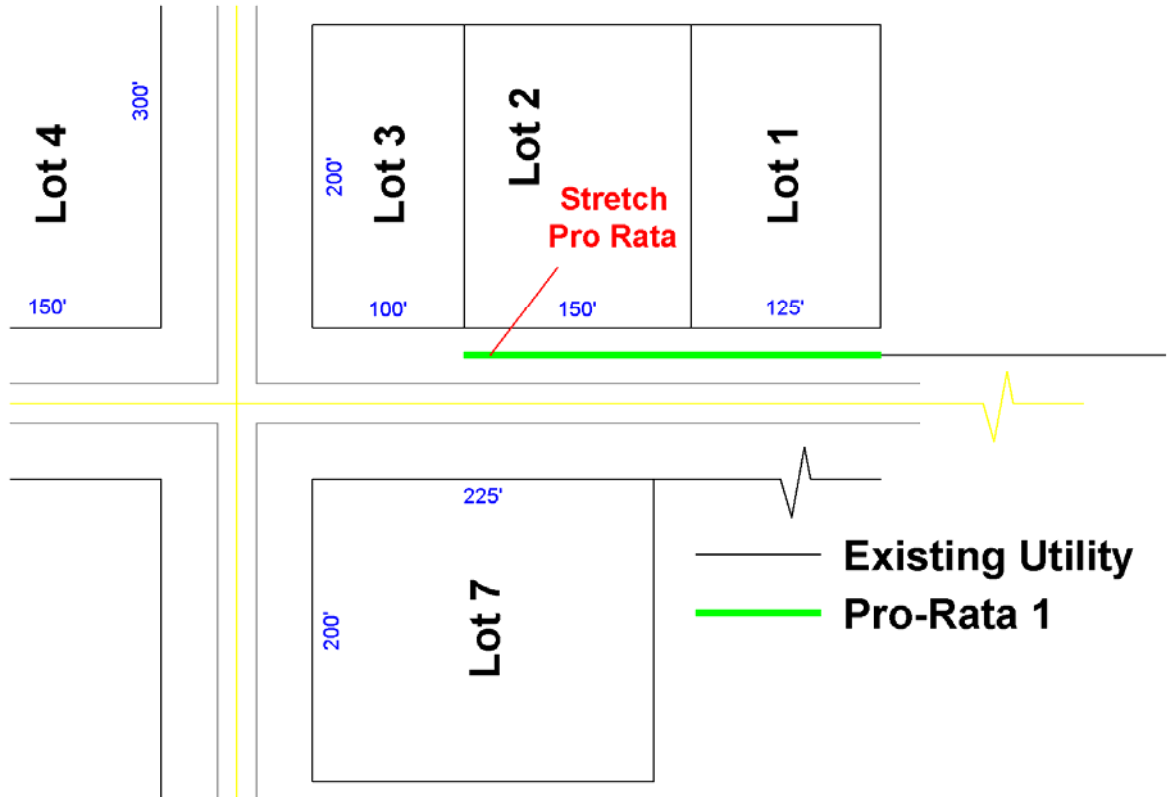
§17-671 INDEMNIFICATION

All applicants shall be required to provide a written release, indemnification, and hold harmless agreement releasing and indemnifying the City and/or Authority from all claims of any nature, including property damage and personal injury, arising out of the execution, establishment, enforcement and implementation of the pro rata agreement, including, but not limited to, claims arising during the course of construction and during the two (2) years warranty period following acceptance of the water or sewer improvements by the City. Such indemnification shall include attorney's fees and costs reasonably incurred in the defense of such action. (Ord. No. 743, 01/19/16)

§17-673 ENFORCEMENT

Nothing herein shall be deemed in any way to be an exclusive method of enforcing the payment of pro rata agreements and improvement cost against property owners, and this procedure shall not be deemed in any manner to be a waiver of the City's right to validly assess affected persons for the cost of the construction improvements and to fix and enforce liens against said property. (Ord. No. 743, 01/19/16)

APPENDIX



Pro-Rata 1 = \$5,500
 $\$5,500 / 225 \text{ ft} = \20 per Linear ft
 $50\% \text{ of } \$20 = \10

Lot 1
 Total = $125 \text{ ft} \times \$10 = \mathbf{\$1,250}$

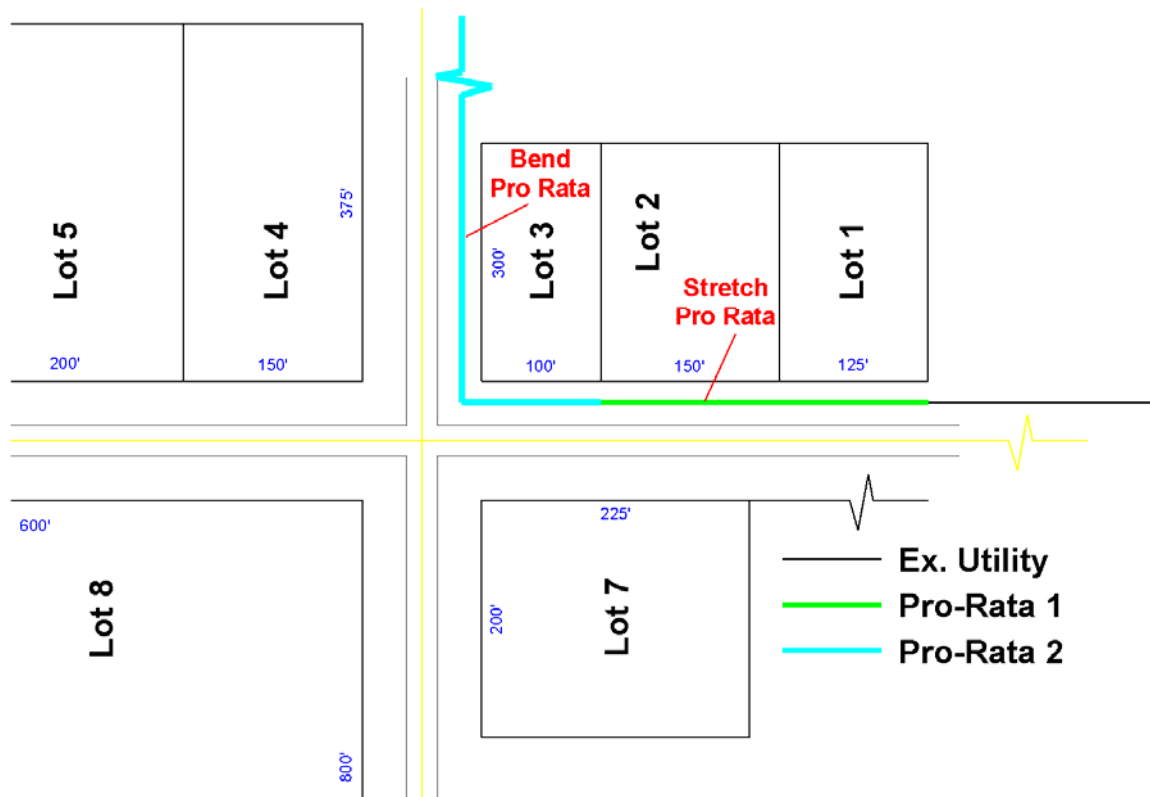
36 month payment period 0% interest
 $\$1,250 / 36 = \mathbf{\$34.72 \text{ a month}}$

Lot 2
 Total = $150 \text{ ft} \times \$10 = \mathbf{\$1,500}$

36 month payment period 0% interest
 $\$1,500 / 36 = \mathbf{\$41.66 \text{ a month}}$

Lot 3
 Will have to extend another new pro-rata utility to the furthest end of property.

Lot 7
 Will have to extend another new pro-rata utility to the furthest end of property and pay this pro-rata. (Refer to Exhibit B)



Pro-Rata 1 = \$5,500
 $\$5,500 / 275 \text{ ft} = \20 per Linear ft
 50% of \$20 = \$10

Pro-Rata 2 = \$10,000
 $\$10,000 / 400 \text{ ft} = \25 per Linear ft
 50% of \$25 = \$12.50

Lot 3

Total = 300 ft x \$12.50 = **\$3,750**

36 month payment period 0% interest
 $\$3,750 / 36 = \mathbf{\$104.12 \text{ a month}}$

Lot 4

Total = 375 ft x \$12.50 = **\$4,687.50**

36 month payment period 0% interest
 $\$4,687.50 / 36 = \mathbf{\$130.21 \text{ a month}}$
 Only applies if Pro-Rata is on one side

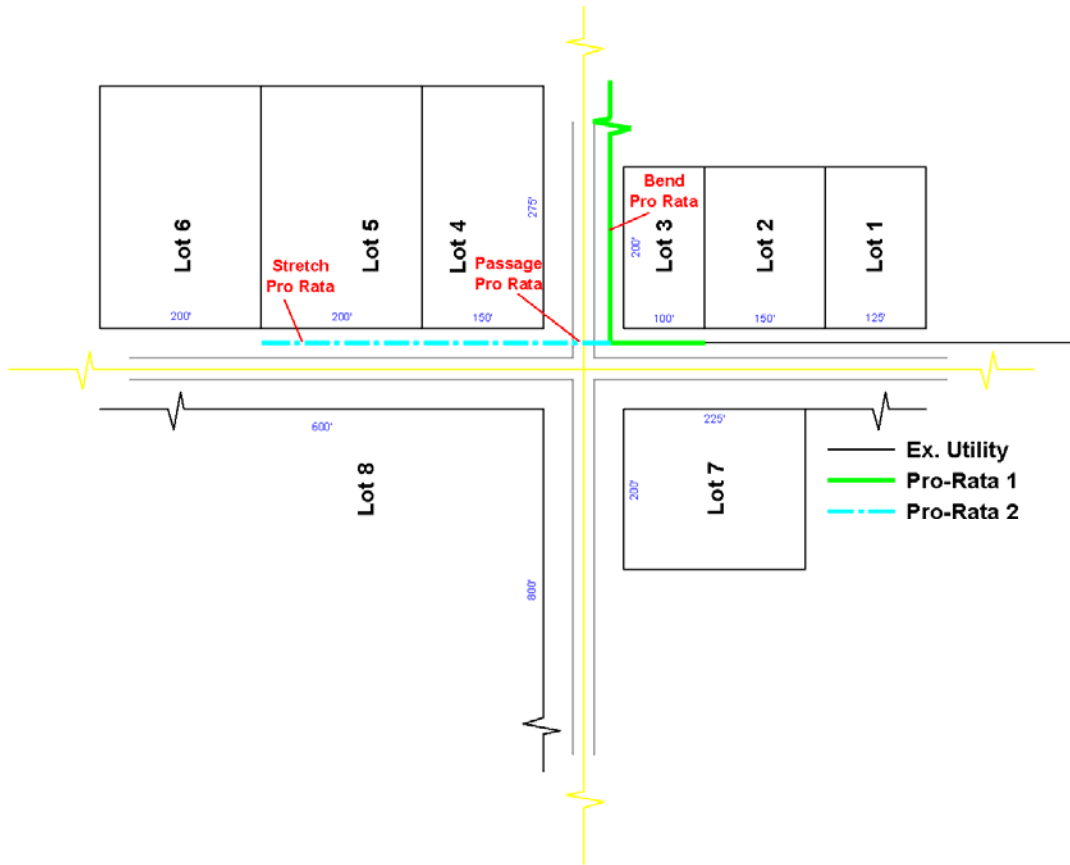
Lot 7

Pro-Rata 1
 125 ft x \$10 = \$1,250

Pro-Rata 2
 100 ft x \$10 = \$1,000

Pro-Rata 1 + Pro-Rata 2 = Total
 $\$2,250 / 36 = \mathbf{\$62.50 \text{ a month}}$

$\$1,250 + \$1,000 = \$2,250$



2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500 / 225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000 / 400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

Lot 4

Pro-Rata 1 = 275 ft x \$10 = \$2,750
 Pro-Rata 2 = 150 ft x \$12.50 = \$1,875
 Pro-Rata Total = **\$4,625**

Lot 5

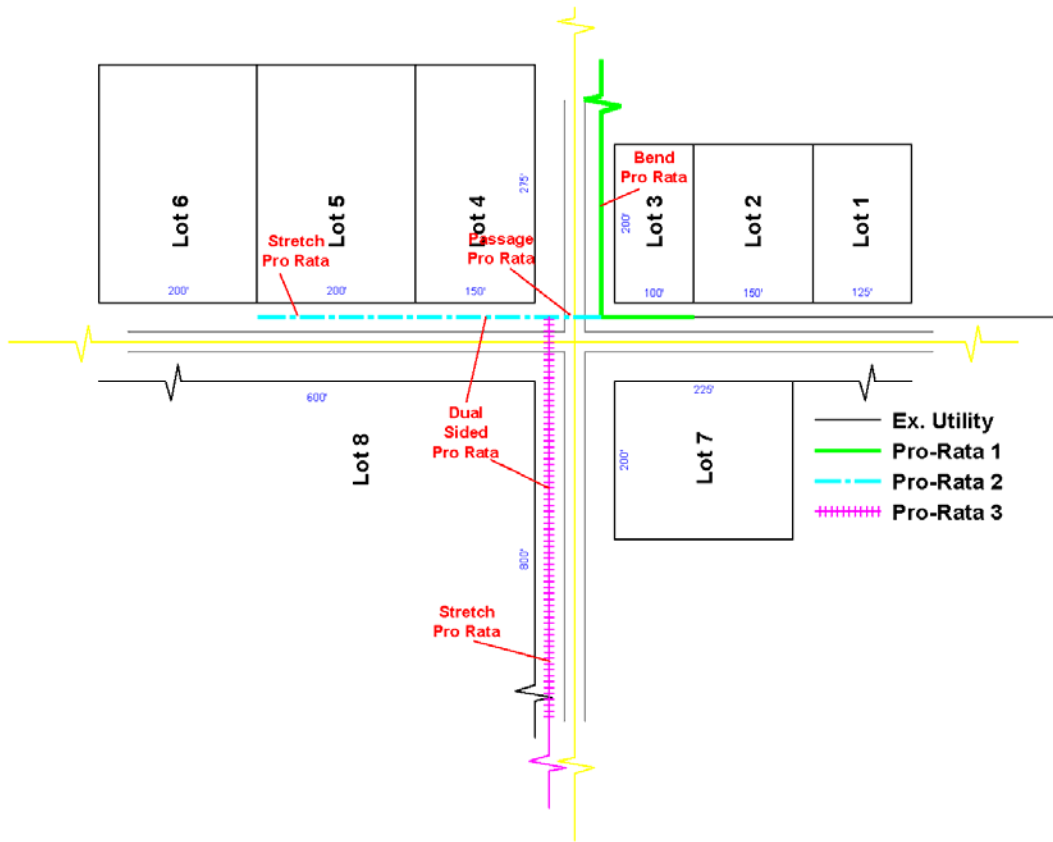
Pro-Rata 2 = 200 ft x \$12.50 = \$2,500
 Pro-Rata Total = **\$2,500**

Pro-Rata 1 payment period lapse full cost = \$2,750
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$1,875 / 36 = \52.08 a month

Pro-Rata 3 - 36 month payment period 0% interest
 $\$2,500 / 36 = \69.44 a month

Lot 8

Pro-Rata 2 = 350 ft x \$12.50 = \$4,375
 Pro-Rata Total = **\$16,375**
 $\$12,000 / 36 \text{ month payment period } 0\% \text{ interest} = \333.33 a mo.
 Pro-Rata 3 will have to be established for Lot 8.
 Lot 8 will only be required to do a Stretch pro-rata connecting to the existing Pro-Rata 2



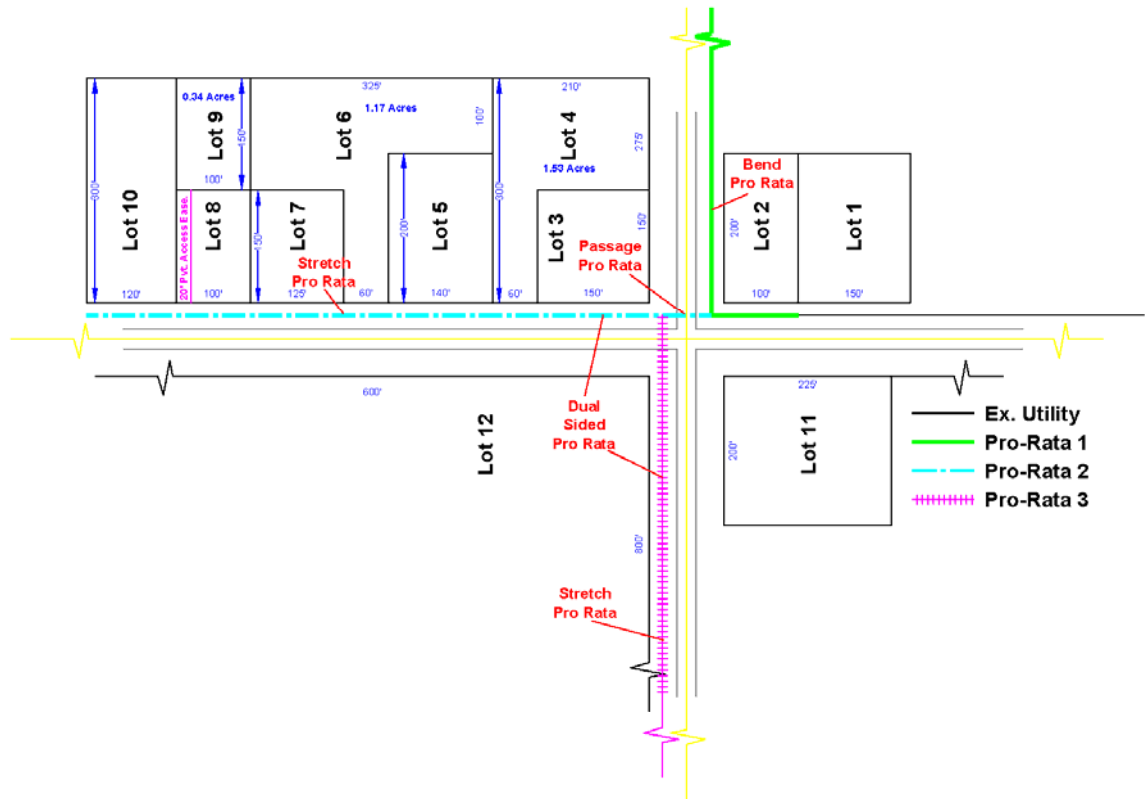
2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500 / 225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000 / 400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

2016 (Year 1)
 Pro-Rata 3 = \$30,000
 $\$30,000 / 1,000 \text{ ft} = \30 per Lin. ft
 50% of \$30 = \$15 & 100% for inter.

Intersection (Pro-Rata 3)

100% of street crossing right of way (ROW)
 Pro-Rata 1 = 12 ft x \$20 = \$240
 Pro-Rata 2 = 88 ft x \$25 = \$2,200
 Pro-Rata Total = \$2,440
NO PAYMENT PLAN AVAILABLE



2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500/225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000/400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

2016 (Year 1)
 Pro-Rata 3 = \$30,000
 $\$30,000/1,000 \text{ ft} = \30 per Lin. ft
 50% of \$30 = \$15 & 100% for inter.

Lot 4

Pro-Rata 1 = $275 \text{ ft} \times \$10 = \$2,750$
 Pro-Rata 2 = $110 \text{ ft} \times \$12.50 = \$1,375$
 Pro-Rata Total = **\$4,125**

Pro-Rata 1 payment period lapse full cost = \$2,750
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$1,375/36 = \38.19 a month
 36 mo is applied do to the Pro-Rata 1 full payment

Lot 8

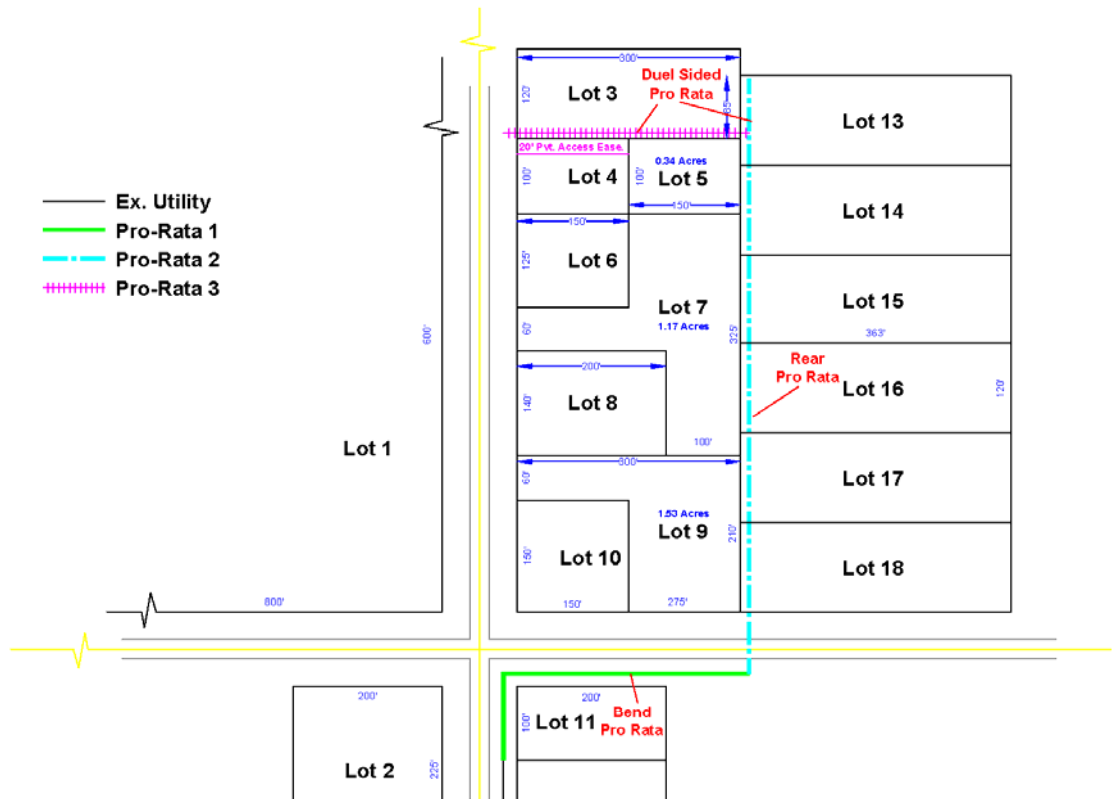
Pro-Rata 2 = $110 \text{ ft} \times \$12.50 = \$1,375$
Minimum Frontage is to be applied
 Pro-Rata 2 - 24 month payment period 0% interest
 $\$1,375/24 = \57.29 a month
 24 mo is applied do to being under \$2,000

Lot 6

Pro-Rata 2 = $110 \text{ ft} \times \$12.50 = \$1,375$
Minimum Frontage is to be applied
 Pro-Rata 2 - 24 month payment period 0% interest
 $\$1,375/24 = \57.29 a month
 24 mo is applied do to being under \$2,000

Lot 9

75% charge for no public frontage
 Pro-Rata 2 = $110 \text{ ft} \times \$17.50 = \$1,925$
Minimum Frontage is to be applied
 Pro-Rata 2 - 24 month payment period 0% interest
 $\$1,925/24 = \80.21 a month
 24 mo is applied do to being under \$2,000



2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500/225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000/400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

2016 (Year 1)
 Pro-Rata 3 = \$30,000
 $\$30,000/1,000 \text{ ft} = \30 per Lin. ft
 50% of \$30 = \$15 & 100% for inter.

Lot 3

Pro-Rata 2 = $85 \text{ ft} \times \$12.50 = \$1,062.50$
 Pro-Rata 3 = $300 \text{ ft} \times \$15 = \$4,500$
 Pro-Rata Total = **$\$5,562.50$**
Pro-Rata 1 payment period lapse = \$1,062.50
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$4,500/36 = \125.00 a month

Lot 5

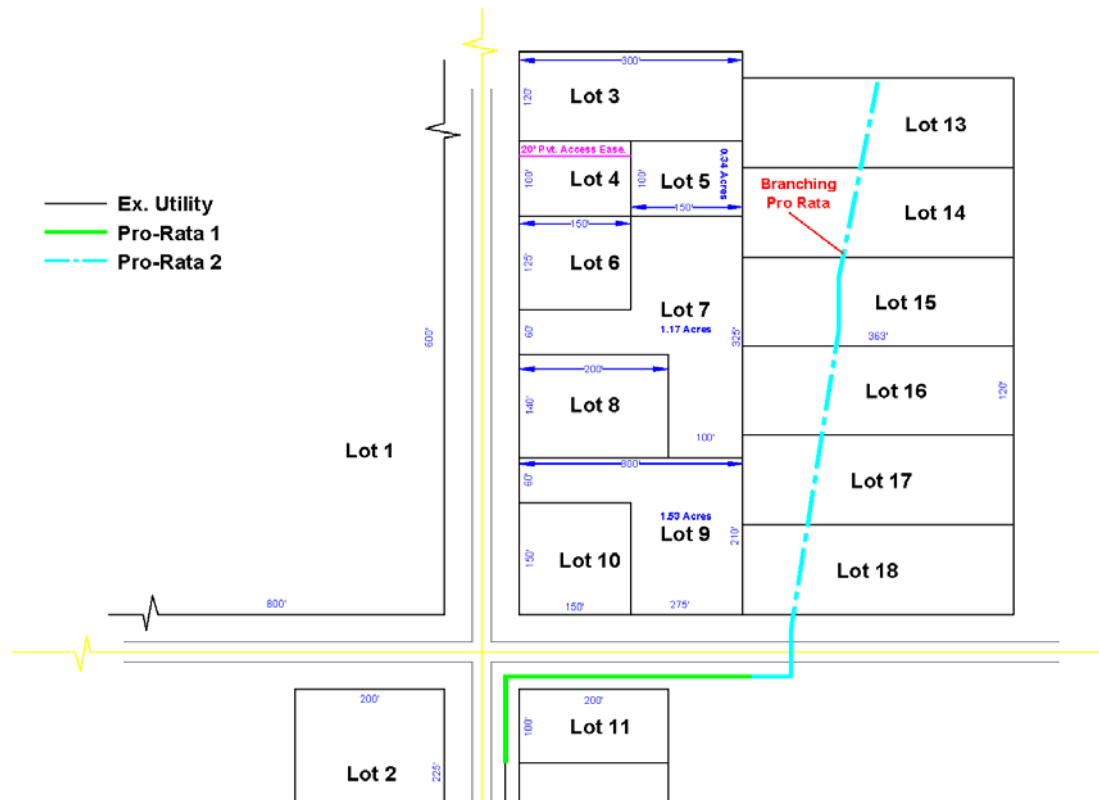
Pro-Rata 2 = $100 \text{ ft} \times \$12.50 = \$1,250$
 Pro-Rata 3 = $150 \text{ ft} \times \$15 = \$2,250$
 Pro-Rata Total = **$\$3,500$**
Pro-Rata 1 payment period lapse = \$1,250
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$2,250/36 = \62.50 a month

Lot 4

Pro-Rata 2 = $100 \text{ ft} \times \$6.25 (25\%) = \625
 Pro-Rata 3 = $150 \text{ ft} \times \$15 = \$2,250$
 Pro-Rata Total = **$\$2,875.00$**
Pro-Rata 2 payment period lapse = \$625.00
 Pro-Rata 3 - 36 month payment period 0% interest
 $\$2,250/36 = \62.50 a month
 25% is applied to the back property line for Pro-rata 2

Lot 15

Pro-Rata 2 = $120 \text{ ft} \times \$12.50 = \$1,500$
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$1,500/36 = \41.67 a month
 Footage is applied along back property line



2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500/225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000/400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

2016 (Year 1)
 Pro-Rata 3 = \$30,000
 $\$30,000/1,000 \text{ ft} = \30 per Lin. ft
 50% of \$30 = \$15 & 100% for inter.

Lot 7

Pro-Rata 2 = $325 \text{ ft} \times \$6.25 \text{ (25\%)} = \$2,031.25$

Pro-Rata 3 = $100 \text{ ft} \times \$15 = \$1,500$

Pro-Rata Total = **$\$3,531.25$**

Pro-Rata 2 payment period lapse (pay in full) = \$2,031.25

Pro-Rata 2 - 36 month payment period 0% interest

$\$2,031.25/36 = \56.42 a month

25% is applied to the back property line for Pro-rata 2

Lot 9

Pro-Rata 1 = $275 \text{ ft} \times \$6.25 \text{ (25\%)} = \$1,718.75$

Pro-Rata 2 = $210 \text{ ft} \times \$6.25 \text{ (25\%)} = \$1,312.50$

Pro-Rata 3 = $300 \text{ ft} \times \$15 \text{ (Service Connection)} = \$4,500$

Pro-Rata Total = **$\$7,531.25$**

Pro-Rata 1 & 2 payment period lapse (pay in full) = \$3,031.25

Pro-Rata 3 - 36 month payment period 0% interest

$\$4,500/36 = \125 a month

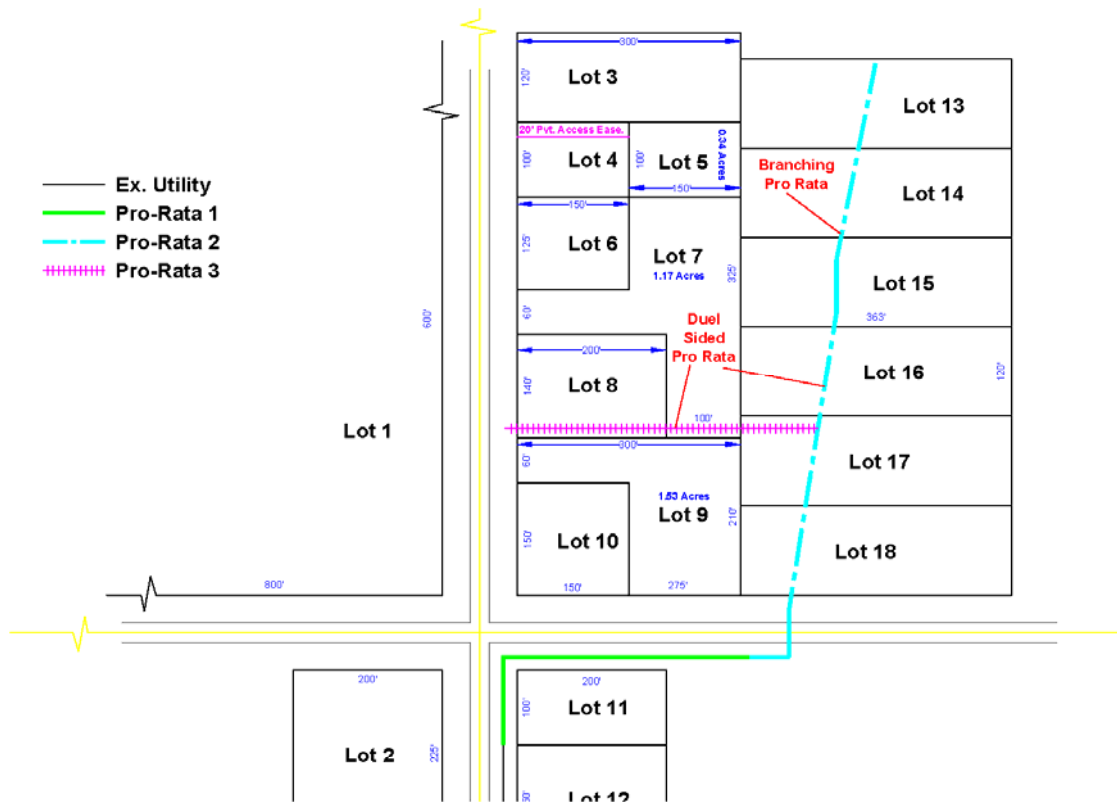
Lot 17

Pro-Rata 2 = $120 \text{ ft} \times \$12.50 = \$1,500$

Pro-Rata 2 - 36 mo. pymt period 0% interest

$\$1,500/36 = \41.67 a month

Footage is applied along back property line



2014 (Year 3)
 Pro-Rata 1 = \$5,500
 $\$5,500/225 \text{ ft} = \20 per Lin. ft
 50% of \$20 = \$10

2015 (Year 2)
 Pro-Rata 2 = \$10,000
 $\$10,000/400 \text{ ft} = \25 per Lin. ft
 50% of \$25 = \$12.50

2016 (Year 1)
 Pro-Rata 3 = \$30,000
 $\$30,000/1,000 \text{ ft} = \30 per Lin. ft
 50% of \$30 = \$15 & 100% for inter.

Lot 7

Pro-Rata 2 = $325 \text{ ft} \times \$6.25 \text{ (25\%)} = \$2,031.25$
 Pro-Rata 3 = $100 \text{ ft} \times \$15 = \$1,500$
 Pro-Rata Total = **$\$3,531.25$**
Pro-Rata 2 payment period lapse (pay in full) = \$2,031.25
 Pro-Rata 2 - 36 month payment period 0% interest
 $\$2,031.25/36 = \56.42 a month
 25% is applied to the back property line for Pro-rata 2

Lot 8

Pro-Rata 2 = $140 \text{ ft} \times \$6.25 \text{ (25\%)} = \875
 Pro-Rata 3 = $200 \text{ ft} \times \$15 = \$3,000$
 Pro-Rata Total = **$\$3,875.00$**
Pro-Rata 2 payment period lapse (pay in full) = \$875.00
 Pro-Rata 3 - 36 month payment period 0% interest
 $\$3,000/36 = \83.33 a month
 25% is applied to the back property line for Pro-rata 2