

PART 18

DRAINAGE AND FLOODING REGULATIONS

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CHAPTER 1

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§ 18-101 PURPOSE AND SCOPE.

- A. It is the intent of this chapter to protect the general health, safety and welfare of the public from the dangers arising from:
1. Improper drainage;
 2. Unwise diversion;
 3. Use and obstruction of drainage channels;
 4. To protect natural scenic areas; and
 5. To provide for the conservation of the natural resources of the area.

All subdivisions of land and all developments or improvements of any character which affect drainage in any portion of the city shall be subject to the provisions of these regulations.

- B. The provisions of this chapter shall apply to and be binding upon every person, firm, agency, institution or corporation, and every entity which seeks to develop, redevelop, grade, regrade, excavate, landfill, berm or dike land within the city. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

§ 18-102 DEFINITIONS.

As used herein:

- A. “Base flood” or “100-year flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
- B. “Detention” means the temporary storage and controlled release of storm water run-off;
- C. “Detention facility” means a facility that provides temporary storage of storm water run-off and controlled release of this run-off;
- D. “Development” means the following activities shall constitute development: any manmade changes to improved or unimproved real estate, including but not limited to:
 - 1. Buildings or other structures; or
 - 2. Mining, dredging, filling, grading, paving, excavation or drilling operations.
- E. The following activities shall not constitute development:
 - 1. Lawn and yard care;
 - 2. Gardening;
 - 3. Tree care and maintenance;
 - 4. Removal of trees or other vegetation damaged by natural forces; or
 - 5. Bonafide agricultural pursuits.
- F. “Floodway” means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and
- G. “Historic” means pre-development or existing condition at time of development for all storm frequencies. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

§ 18-103 CHOCTAW STANDARD DRAINAGE POLICY – RECOMMENDED CONTROL OF SURFACE WATER DRAINAGE.

- A. City of Choctaw standard drainage policy Part 18 adopted by Ordinance No. 414 adopted April 21, 1992, and amended by the adoption of Ordinance 452 dated October 18, 1994, and appended to this ordinance is hereby adopted and made a part hereof and shall be used for all runoff flow and sizing for the regulations established herein. The current standard drawing and details shall be used.

- B. The drainage policy, standards and detail sheets may be modified from time to time by the city engineer, as necessary, to stay current with the latest engineering practices, methods and materials. (Ord. No. 414, 4/21/92; Ord. No.452, 10/18/94)

§ 18-104 RESPONSIBILITY OF DEVELOPER/OWNER FOR STORM DRAINAGE IMPROVEMENTS.

- A. It shall be the goal of the owner/developer to limit the storm runoff leaving his property to the so-called “historic value” (before development). To achieve this, the developer/owner shall provide storage for the increased storm water runoff resulting from his development.
- B. Where a developer/owner proposes development or use of only a portion of the property, provision for storm runoff control shall be required for that portion of the property proposed for immediate development or use.
- C. The development shall provide a sufficient storm water drainage system for the conveyance of existing storm water runoff received from upstream and from the subject property with specific allowance having been made for the continued conveyance of storm water runoff from properties adjacent to the proposed development which may develop in the future.
- D. All roofs, paved areas, yards, courts and courtyards, other than one-family or two-family residential structures, shall drain into an existing or improved storm sewer system or to an approved place of disposal, not generally including streets.
 - 1. Release of storm water onto arterial (section line) streets may be considered acceptable if one percent (1%) street flow does not exceed four (4) inches in depth during a fifty (50) year storm. Release of storm water onto all other classifications of streets may be considered acceptable if the depth of flow does not exceed six (6) inches in depth at the face of curb during a one hundred (100) year storm event.
 - 2. The addition of off-site storm water improvements may be waived by the city council if, in the opinion of the city council, the addition of storm sewer would cause extreme hardship on the developer, in which case the council will address alternative methods of disposal.
- E. In the case of one-family and two-family residential structures, storm water may be discharged onto flat areas such as streets or lawns if drainage is provided so that the storm water will flow away from the building and if the requirements of the city drainage standards are met.

- F. The owner/developer shall remain responsible for the construction, operation and maintenance of storm water detention systems, except as provided in § 18-106. No conveyance of the responsibility of the detention system is allowed nor implied by the issuance of building permits. Storm water detention systems shall be considered a priority during construction. All storm water drainage systems, erosion control and sedimentation control shall be constructed as one of the first items of a development, and shall be constructed prior to any change in the storm water runoff of the development. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

§ 18-105 REQUIREMENTS RELATING TO DEVELOPMENTS.

- A. In any development or improvement of property, the developer/owner may be required to provide at his own expense a preliminary drainage study for the total area to be ultimately developed. It shall be the responsibility of the city engineer to determine whether the need exists for a preliminary drainage study, and, if required, the study shall be submitted to the city engineer for review prior to his acceptance of any preliminary plat or construction plans for the development or any increment thereof.
- B. The city reserves the right to require improvements to preclude any backup of tail water inundating any areas outside of the development as a result of the base flood.
- C. No excavating or grading or leveling or landfilling of any lot or tract of record for single-family residential developments, multi-family or non-residential development shall be commenced prior to the approval of the preliminary grading plan or building permit.
- D. All developments shall be designed, constructed and completed in a manner which minimizes the removal of vegetation and existing tree cover.
- E. Development activities shall begin and continue only if appropriate sedimentation facilities are installed and maintained throughout the construction period. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

§ 18-106 TITLE OWNERSHIP AND MAINTENANCE.

- A. Ownership and maintenance of detention storage facilities shall remain with the private sector unless such areas are in a development that has no neighborhood or homeowners association or the like to regulate such facilities. Other drainage facilities herein provided for may be dedicated to the public and maintained by the public unless such facilities are an integral usable part of the development, in which case the ownership and maintenance of the facilities shall remain with the private sector. Prior to the acceptance of any drainage or detention facility for maintenance by the city, the developer shall be in compliance with the following:
- B. Completed construction of all required facilities and erosion control as approved by the

city engineer, or provide sufficient surety bond, cash escrow, or letter of credit approved by the city engineer and city attorney guaranteeing the construction of all required facilities, and erosion controls as approved by the city engineer, within one year; and

- C. Pay a sum to the city equal to Seven Hundred Dollars (\$700.00) multiplied by the number of acres dedicated for the detention facility multiplied by seven (7) years to cover the cost of maintenance. All funds received shall be maintained in a separate account to be used for the maintenance of detention ponds only. (Ord. No. 414, 4/21/92)

§ 18-107 ADMINISTRATION.

- A. Prior to approval of any plat or plan, the developer's consulting engineer shall submit backwater profiles and stream flow and runoff calculations as may be required by the city engineer under the terms of this chapter.
- B. A building permit or occupancy permit shall not be issued for any structure in the subject area until:
 - 1. The required improvements have been completed and accepted by the city engineer or city director of public works, with approved maintenance bonds on file; or
 - 2. A development bond or irrevocable letter of credit approved by the city attorney and accepted by the city council, guaranteeing the required improvements is on file with the city clerk. (Ord. No. 414, 4/21/92)

§ 18-108 PENALTY.

Any violation of the provisions of this chapter is punishable by fine or imprisonment as provided in § 1-108 of the city's code of ordinances. (Ord. No. 414, 4/21/92)

CHAPTER 2

FLOOD DAMAGE PREVENTION

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§ 18-201 STATUTORY AUTHORIZATION.

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§ 1601-1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Choctaw, Oklahoma, ordains the following. (Ord. No. 668, 10/27/09)

§ 18-202 FINDINGS OF FACT.

- A. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are

inadequately elevated, flood proofed or otherwise protected from flood damage. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-203 STATEMENT OF PURPOSE.

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668/ 10/27/09)

§ 18-204 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage; or
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood

waters or which may increase flood hazards to other lands. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-205 DEFINITIONS.

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

- A. “Accessory structure” means structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds);
- B. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Map (FIRM). After detailed rate making has been completed in preparation for publication of the FIRM for Choctaw, Zone A is refined into Zones A and AE;
- C. “Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
- D. “Base flood elevation” means the elevation in feet above mean sea level of the base flood or 1% chance of flood;
- E. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides;
- F. “Board” means the Oklahoma Water Resources Board;
- G. “Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised;
- H. “Development” means any man-made change in improved and unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials;
- I. “Elevated building” means a non-basement building built, in the case of a building in Zones A, AE and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A, AE and X, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters;

- J. “Existing construction” means for the purpose of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures”;
- K. “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community;
- L. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads);
- M. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters; or
 2. The unusual and rapid accumulation or runoff of surface waters from any source;
- N. “Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;
- O. “Flood insurance study” means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity;
- P. “Floodplain administrator” means a person accredited by the Board and designated by a city council, to administer and implement laws and regulations relating to the management of the floodplains;
- Q. “Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of flooding);
- R. “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations;

- S. “Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction;
- T. “Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- U. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents;
- V. “Floodway (regulatory floodway)” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height;
- W. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;
- X. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;
- Y. “Historic structure” means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
 2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior;
or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of interior;
or
 - b. Directly by the secretary of the interior in states without approved programs;
- Z. “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;
- AA. “Levee system” means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;
- BB. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of § 60.3 of the National Flood Insurance Program regulations;
- CC. “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not a “recreational vehicle”;
- DD. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale;
- EE. “Mean sea level” means for purpose of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which the base flood elevations shown on a community's flood insurance rate map are referenced;
- FF. “New construction” means for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent

improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures;

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

HH. “Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;

II. “Start of construction” means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation of basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building;

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

- KK. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred;
- LL. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
 2. Any alteration of a “historic structure” provided that the alteration would not preclude the structure's continued designation as a “historic structure.”
- MM. “Variance” means a grant of relief to a person from the requirements of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. For full requirements, see § 60.6 of the National Flood Insurance Program regulations;
- NN. “Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided; and
- OO. “Water surface elevation” means the height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-206 LANDS TO WHICH CHAPTER APPLIES.

This floodplain management chapter shall apply to all areas of special flood hazard within the jurisdiction of the community. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-207 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitle, "The Flood Insurance Study for Oklahoma County, Oklahoma and Incorporated Areas dated December 18, 2009," with accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this chapter. This chapter shall go into effect on December 18, 2009 and not before. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09);

§ 18-208 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this floodplain management chapter. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-209 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-210 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-211 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor appeal any other powers granted under state statutes. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-212 WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted

within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-213 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The city council appoints the public works director as the floodplain administrator, who will administer and implement the provisions of this chapter and other appropriate sections of 44 CRF (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-214 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations;
- B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
- C. Review, approve or deny all applications for development permits required by adoption of these regulations;
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretations;
- F. Notify, in riverine situations, adjacent communities and the state coordinating agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

- H. Shall require the developer or permittee to provide the base flood elevation data when it has not been provided in accordance with § 18-207, in order to administer the provisions of §§ 18-217 through 18-222;
- I. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
- J. Under the provisions of 44 CFR Chapter 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AE on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies with 44 CFR, Chapter 1, § 65.12.
- K. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601- 1618, as amended.
- L. After a disaster or other type of damage occurrence to structures in the community shall determine if the residential and non-residential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-215 PERMIT PROCEDURES.

- A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 1. Elevation (in relation to mean sea level), of the lowest floor, including basement, of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of § 18-218(B);

4. Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 5. Maintain a record of all such information in accordance with § 18-214(A).
- B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of these regulations and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for proposed use; and
 10. The relationship of the proposed use to the comprehensive plan for that area. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-216 VARIANCE PROCEDURES.

- A. The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

- C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in § 18-215(B) of this Article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (§ 18-203).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - 1. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - 2. Pre-requisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - b. Variances shall only be issued upon:
 - 1). Showing a good and sufficient cause;
 - 2). A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances.

- c. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in § 18-216(A - H) are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 4. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of twenty-five dollars (\$25.00).
 5. A copy of any variance issued shall be sent to the OWRB within fifteen (15) days of issuance. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-217 GENERAL STANDARDS.

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

- A. All of new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities

that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- G. On-site waste water disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-218 SPECIFIC STANDARDS.

In all areas of special flood hazards the following provisions are required:

- A. Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at a minimum of one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in § 18-215(A)(3) is satisfied;
- B. Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at a minimum of one (1) foot above the base flood elevation. The floodplain administrator shall maintain a record of all elevation certificates that include the specific elevation (in relation to mean sea level) to which each structure has been elevated.
- C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and

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

D. Manufactured homes:

1. Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I beam elevated at a minimum of one (1) foot above the base flood elevation. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces and a licensed installer shall install the home and place the required placard on the dwelling;
2. Require that manufactured homes that are placed or substantially improved within Zones AE on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I beam of the manufactured home is elevated at a minimum of at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Also, a licensed installer shall install the home;
3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AE on the community's FIRM that are not subject to the provisions of paragraph 4 of this section be elevated so that the bottom of the I beam of the manufactured home is at a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer that complies with state law.

E. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A and AE on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements of § 18-215, and the elevation and anchoring requirements for “manufactured homes” in paragraph 4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

F. Accessory structure.

1. Structure is low valued and represents a minimal investment.
2. Structure shall be small and not exceed 600 square feet in size.
3. Structure shall be unfinished on the interior.
4. Structure can be used only for parking and limited storage.
5. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
6. Service facilities such as electrical and heating equipment must be elevated to or above the BFE or flood proofed.
7. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
8. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.
9. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
10. Floodway requirements must be met in the construction of the structure.
11. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.

G. Structure is to be located so as not to cause damage to adjacent and nearby structures. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-219 STANDARDS FOR SUBDIVISION PROPOSALS.

All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with §§ 18-202 through 18-204 of this chapter.

All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of § 18-208; § 18-215 and the provisions of §§ 18-217 through 18-222 of this chapter.

Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to § 18-207 or § 18-214(H) of this chapter.

All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92; Ord. No. 668, 10/27/09)

§ 18-220 FLOODWAYS.

Floodways – located within areas of special flood hazard established in Article III, Section B, are areas designated at floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels with the community during the occurrence of the base flood discharge.
- B. If § 18-220(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 18-217 through 18-222.
- C. Under the provisions of 44 CFR Chapter 1, § 65.12, of the National Flood Insurance Regulations, a community may permit encroachments with the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community complies with all of 44 CFR Chapter 1, Section 65.12. (Ord. No. 668,

10/27/09)

§ 18-221 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be fined no more than \$500.00 for each offense including any court costs and could be incarcerated no more than thirty (30) days in jail. Nothing herein contained shall prevent the city council or the city attorney from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 668, 10/27/09)

§ 18-222 CERTIFICATION.

It is hereby found and declared by the city council that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with the minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this chapter becomes effective on December 18, 2009, and not before. (Ord. No. 668, 10/27/09)

CHAPTER 3

STORMWATER DRAINAGE AND QUALITY REGULATIONS

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§ 18-301 PURPOSE.

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

- A. Reduce flood and storm losses and inconveniences from uncontrolled stormwater 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, Ord. No. 742, 01/05/16)

§ 18-302. SCOPE.

No person shall develop any land for residential, commercial, industrial or institutional uses without having provided for appropriate storm water, sediment and soil erosion control measures that control or manage runoff from such developments, except as provided within this section.

This article 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 (27A O.S. § 1-1-101 et seq.) and the stormwater regulations (40 CFR Part 122). The objectives of this article are to allow the city:

- A. To regulate the introduction of pollutants to the municipal storm sewer system by stormwater discharges by any user;
- B. To control spills, dumping or disposal of materials other than stormwater 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 stormwater quality to which the city is subject. (Ord. No. 613, 12/13/05, Ord. No. 742, 01/05/16)

§ 18-303 AUTHORITY OF THE MANAGER.

The Stormwater Quality Manager shall exercise all lawful powers necessary and appropriate to administer the stormwater management program. The Stormwater Quality Manager shall have the authority to:

- A. Develop and administer all phases of a comprehensive program of stormwater management, including studying, planning, designing, establishing, acquiring, constructing, developing, installing, administering, maintaining, operating, improving, repairing, replacing and reconstructing the stormwater drainage system;
- B. Administer the accounting, budgeting, record keeping and support personnel necessary for the efficient operation of the stormwater management program;
- C. Administer the regulations contained in the NPDES permit and in this chapter;
- D. Perform studies, tests and analyses required to establish or modify the stormwater management program;
- E. Provide for public information and awareness that would improve management and reduce pollution and hazards to life and property;
- F. Coordinate enforcement of the regulations contained in this chapter with other city departments;
- G. Seek the cooperation of counties and municipalities in reducing the contribution of all stormwater drainage systems to flooding and, in particular, cooperate with other affected political subdivisions in preparing and implementing master drainage plans;
- H. Hear and consider challenges to the application of this chapter, the calculation of fees, the determination of the impervious surface area and the classification of users;
- I. Provide an exchange of information between the public and city employees and officers on flooding and stormwater drainage problems in the city;

J. Recommend to the city manager and the city council a comprehensive stormwater management program; and

K. Recommend from time to time to the city manager and the city council policies for establishing new kinds of stormwater quality services, preserving and expanding existing services and making changes in services for the benefit of the public. (Ord. No. 742, 01/05/16)

§ 18-304 INSPECTION.

The Stormwater Quality Division shall have the right to inspect any on-site detention or retention facility at any reasonable time to determine if it is in compliance with the approved design and is capable of functioning properly.

The Stormwater Quality Division shall have the right to inspect any property within the city to determine the source, quantity, quality or flow rate of stormwater and to determine the source and nature of pollutants, hazards and/or activities creating or promoting pollutants or hazards. (Ord. No. 742, 01/05/16)

ARTICLE B

DEFINITIONS

§ 18-314. DEFINITIONS.

As used herein, for the purpose of Part 18 of the Code of Ordinances, the following definitions described the meaning of the terms used:

- A. “Adverse impact” means any deleterious effects on waters or wetlands, including their quality, surface area, species composition, aesthetic or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability of life or property, including outdoor recreation.
- B. “Agricultural Land Management Practices” means those standards and procedures used in the cultivation of land in order to further crop and live stock production and conservation of related soil and water resources.
- C. “Applicant” means any person, firm or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- D. “Aquifer” means a porous water bearing geologic formation generally restricted to

materials capable of yielding an appreciable supply of water.

- E. “Authorized Enforcement Agency” means employees or designees of the director of the municipal agency designated to enforce this ordinance.
- F. “Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- G. “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- H. “Clearing” means the removal of trees and brush from the land but shall not include the removal of topsoil and the ordinary mowing of grass.
- I. “Detention Structure” means a permanent structure for the temporary storage of runoff that is designed so as not to create a permanent pool of water.
- J. “Development of Land” means to change the physical characteristics and runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial or institutional construction or alteration.
- K. “Drainage Area” means an area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
- L. “Easement” means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes. The purpose or purposes must be included in the conveyance of land affected by such easement.
- M. “Exemption” means those land development activities that are not subject to the Storm Water Management requirements contained in this Ordinance.
- N. “Flow Attenuation” means prolonging the flow time or runoff to reduce the peak discharge.
- O. “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- P. “Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present

or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- Q. “Illegal Discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in § 18-410 of this ordinance.
- R. “Illicit Connections” means an illicit connection is defined as either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- S. “Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, § 122.26 (b)(14).
- T. “Infiltration” means the passage or movement of water into the soil surface.
- U. “National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC ' 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- V. “Non-Storm Water Discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
- W. “Off Site Storm Water Management” means the design and construction of systems necessary to control storm water outside the development area.
- X. “On Site Storm Water Management” means the design and construction of systems necessary to control storm water within an immediate development.
- Y. “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- Z. “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive

fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- AA. “Porous Paving” means an open-graded asphaltic or reticular concrete or other material that allows water to pass through it.
- BB. “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- CC. “Retention Structure” means a permanent structure that provides for the storage of runoff by means of a pool of water; essentially a pond.
- DD. “Sediment” means soils or other surface materials transported or deposited by the action of wind, water, ice or gravity as a product of erosion.
- EE. “Site” means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.
- FF. “Stabilization” means the prevention of soil movement by any of various vegetative and/or structural means.
- GG. “Storm Drainage System” means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- HH. “Storm Water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- II. “Storm Water Management, Sediment and Soil Erosion Control”:
 - 1. “Quantitative Control” means a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and
 - 2. “Qualitative Control” means a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

- JJ. “Storm Water Management Plan” means a set of drawings or other documents submitted as a prerequisite to obtaining a Storm Water Management approval, which contain all of the information and specifications pertaining to Storm Water Management. (See Section 4.2)
- KK. “Storm Water Pollution Prevention Plan” means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.
- LL. “Stripping” means any activity that removes topsoil.
- MM. “Variance” means the modification of the minimum Storm Water Management requirements for specific circumstances such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.
- NN. “Waiver” means the relinquishment from Storm Water Management requirements by the Choctaw Planning Commission and the City Planner for a specific development on a case-by-case review basis.
- OO. “Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- PP. “Water Course” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine or wash, in and including any area, or adjacent to an area, which is subject to inundation by reason of overflow or flood water.
- QQ. “Watershed” means the total drainage area contributing runoff to a single point.
- RR. “Wetlands” means an area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

ARTICLE C

PERMITTING AND INSPECTING

§ 18-315 GENERAL ACTIVITY.

All land disturbing activities shall be in compliance with and after receiving a permit under this article. An application must be submitted to DEQ for a general OPDES permit, if the land disturbing activity occurs on an area greater than one (1) acre. If a general OPDES permit is applied

for, a copy of the NOI, all appropriate documentation must be submitted to the DEQ. (Ord. No. 742, 01/05/16)

§ 18-316 PERMIT.

- A. All persons or entities defined as an owner/operator of any new utility, industrial, commercial, institutional, multifamily residential facilities, and residential subdivisions shall obtain a permit prior to construction activity. The permit shall be required in addition to any permits required by the state or elsewhere in this Code for stormwater discharges associated with industrial activity or for stormwater discharges associated with construction activity or land disturbing activity.
- B. It shall be unlawful for any person to conduct, or permit to be conducted, any land disturbing activity upon any land without a Ground Clearing Permit and Land Disturbance Permit issued under this article. Such permits shall be required in addition to any building permit or other permit required by this Code for the site and shall be available for inspection by City staff on the job site at all times during which land disturbing activities are in progress.
- C. The following activities are exempt from the requirement of retrieving a Ground Clearing Permit and Land Disturbance Permit:
 - 1. Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities which result in minor soil erosion;
 - 2. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations and livestock and poultry management practices. Agricultural land management activities;
 - 3. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;
 - 4. Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity maintains pollution control and is confined to the area of the road, street or sidewalk which is hard-surfaced and a street, curb, gutter or sidewalk permit has been obtained;
 - 5. Construction, repair or rebuilding of tracks of a railroad company;

6. Developments that do not disturb more than 200 square feet of land area. Disturb means to “Clear”, “Grade”, or “Strip”. (See definitions);
 7. Construction, repairs, or maintenance of utility lines, streets, and drainage ditches that has a land disturbance under one (1) acre;
 8. City of Choctaw and Choctaw Utility Authority disturbing land at or more than one (1) acre. These organizations are required to retrieve a permit from ODEQ;
 9. Stock piles of dirt for athletic or recreation facilities that are under; and
 10. These activities may be undertaken without the required permits; however, the persons conducting these excluded activities shall remain responsible for conducting these activities in accordance with the provisions of this article and other applicable laws including responsibility for controlling sedimentation and runoff both during the land disturbing activity and after the land disturbing activity is complete.
- D. Any land disturbing activity upon any land equal to or less than 0.99 acres shall require a Ground Clearing Permit. Such permits shall be required in addition to any building permit or other permit required by the City of Choctaw for the site and shall be available for inspection by City staff. The following activities are required to retrieve a Ground Clearing Permit:
1. Excavation limited to trenches for the foundation, basements, service and sanitary sewer connections, and minor grading for driveways, yard areas and sidewalks, with no off-site discharge of pollutants;
 2. Construction of a structure over 200 square feet, but under one (1) acre in size;
- E. Any land disturbing activity upon any land equal to or more than 1 acre shall require a Land Disturbance Permit. Such permits shall be required in addition to any building permit or other permit required by the City of Choctaw for the site and shall be available for inspection by City staff. The following activities are required to retrieve a Land Disturbance Permit:
1. Any disturbance of land that is over one (1) acre and not listed in Sections 18-316 B and C.
- F. The minimum standards for controlling erosion and sedimentation from land disturbing activities shall be set forth in the Best Management Practices Manual, as adopted and amended from time to time by resolution approved by the city council. A copy of the manual shall be maintained on file in the offices of the Manager and the city engineer. A

copy of the manual shall be maintained in the office of the city clerk and may be viewed.
(Ord. No. 742, 01/05/16)

§ 18-317 PERMIT APPLICATION.

An application for the issuance of a Ground Clearing Permit and a Land Disturbing Permit under this article shall include the following:

1. Name of the applicant;
2. Business or residence address of the applicant;
3. Name and address of the owner/operator of the subject property;
4. Address and legal description of the subject property;
5. Name and address of any contractor and any subcontractor(s) who will perform the land disturbing activity and who shall implement the erosion and sediment control plan;
6. A statement setting forth the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity; and
7. A copy of the NOI and erosion and sediment control plan. (Ord. No. 742, 01/05/16)

§ 18-318 PERMIT APPLICATION SUBMITTAL.

- A. Ground Clearing Permit (0.99 acres or less):
 1. A scaled map or plat of the property showing the existing and proposed:
 - a. Minimum scale of 1"=20';
 - b. North Arrow;
 - c. Area to be disturbed
 - d. Structures;
 - e. Private and public utilities;
 - f. Private water well (if applicable)
 - g. Private sanitary sewer system (if applicable)
 - h. Concrete washout area;
 - i. Construction rubbish location and description of holding device;;
 - j. Hazardous material location and description of holding device;

- k. Construction entrance and description of material;
 - l. Erosion Control Measures;
 - m. Water Stream (if applicable);
 - n. 100 and 500 year flood zone boundary (if applicable);
 - o. Floodway boundary (if applicable);
 - p. Direction arrows of the surface storm water runoff;
 - q. Portable toilet facility location and description; and
 - r. Dimensions
2. Beginning and completion date;
 3. Identify the closes water stream to the development area;
 4. Sequence of activities;
 5. Description of maintenance within right of way;
 6. Provide the temporary stabilization practice to be used;
 7. Provide the person(s) responsible for temporary stabilization;
 8. Provide the permanent stabilization practice to be used; and
 9. Provide the person(s) responsible for the permanent stabilization practice.

B. Land Disturbance Permit (One (1) acre or above)

1. A scaled map or plat of the property showing the existing and proposed:
 - a. Minimum scale of 1"=100';
 - b. North Arrow
 - c. Area to be disturbed
 - d. Structures;
 - e. Private and public utilities;
 - f. Private water well (if applicable)
 - g. Private sanitary sewer system (if applicable);
 - h. Immediately adjacent properties related to the land disturbance activity;
 - i. Concrete washout area;
 - j. Construction rubbish location and description of holding device;;
 - k. Hazardous material location and description of holding device;
 - l. Construction entrance and description of material;
 - m. Erosion Control Measures;
 - n. Water Stream (if applicable);
 - o. 100 and 500 year flood zone boundary (if applicable);

- p. Floodway boundary (if applicable);
- q. Existing two (2) foot contour lines of the surface storm water runoff;
- r. Proposed two (2) foot contour lines resulting from the land disturbance activity;
- s. Abutting street grades and elevation
- t. Portable toilet facility location and description; and
- u. Existing drainage facilities;
- v. Proposed drainage facilities and permanent disposition of surface water upon completion;
- w. Location of SWPPP for field review; and
- x. Dimensions

2. Erosion and sediment control plan shall:

- a. Accurately describe the potential for soil erosion and sedimentation problems resulting from the land disturbing activity, and shall explain and illustrate the measures which are to be taken to control these problems;
- b. The length and complexity of the erosion and sediment control plan is to be commensurate with the size of the project, severity of the site condition and the potential for off-site damage.
- c. The erosion and sediment control plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics of the area, potential problems of soil erosion and sedimentation, stabilization specifications, stormwater management considerations;
- d. Time schedule for completion of the land disturbing activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solutions to potential soil erosion and sedimentation problems.
- e. Any erosion and sediment control plan must comply with the Best Management Practices Manual and shall be reviewed by the manager prior to the issuance of the land disturbing permit. The land disturbing permit shall be issued within thirty (30) days of the submission of the plan if the application and the plan are approved by the manager.
- f. At any time the manager determines that an erosion and sediment control plan does not comply with the provisions of this article, the manager shall notify the applicant in writing of all deficiencies within the plan.

3. Computations:

- a. Hydrology;
 - b. Hydraulic; and
 - c. Storm Water Management structures.
- C. The minimum standards for issuance of a permit shall be a pollution prevention plan, and either an approved general OPDES permit, Ground Clearing Permit and/or a Land Disturbance Permit. The application for a Ground Clearing or Land Disturbance Permit shall be filed with the Stormwater Quality Division and shall:
1. Include, if the facility is to be covered under a DEQ OPDES permit for stormwater discharges associated with industrial activity, or a general OPDES permit of any type, copies of such documents;
 2. Description of facility including the nature of work performed and type of facility;
 3. Cleanup schedule for debris, material storage areas, garbage storage or disposal areas, or other areas that have the potential to pollute stormwater;
 4. Description of plan of instruction to employees at all levels in ways to prevent pollution and spill response. The plan shall identify periodic dates for such training;
 5. Name of contact person for permit compliance, including job title, address and phone number;
 6. Demonstrate how the owner/operator or developer will insure that post-development off-site discharge rates shall not exceed the predevelopment discharge rates;
 7. Designation of a person to keep a record of incidents such as significant spills or other discharges that materially affect stormwater, along with other information describing the quality and quantity of stormwater discharges. Inspections and maintenance activities shall be documented and recorded.
 8. Unless otherwise specified, include calculations of off-site discharges for the existing and developed conditions computed using the 100-year return frequency storm and soil conservation service (SCS Type II) design;
 9. Contain plans for facilities that serve an area with ten (10) or more disturbed acres designed to capture the design storm in a sedimentation basin providing three thousand six hundred (3,600) cubic feet of storage per acre drained to reduce the "first flush" pollutant load. Where providing three thousand six hundred (3,600)

cubic feet of storage per acre drained is not attainable, small sediment basins of equivalent total volume shall be used;

10. Include in the pollution prevention plan a demonstration of how the facility will collect, control and treat stormwater so as to control the quantity and quality of stormwater leaving the site. The plan shall also include, as necessary, structural controls and nonstructural best management practices adequate to prevent the violation of any water quality standard, and shall meet the provisions of the Clean Water Act (best conventional technology and best available technology treatment requirements) and the DEQ OPDES general permit for stormwater discharges associated with construction activity;
11. Narrative description of significant materials that are currently or in the past have been treated, stored or disposed of at the facility; method of on-site storage or disposal; materials management practices used to minimize contact of these materials with stormwater runoff currently and for the past three (3) years; materials loading and access area; the location and description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives;
12. A preventative maintenance program that includes regular inspection and maintenance of stormwater management devices (e.g., cleaning grit chambers, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters; and
13. The stormwater pollution prevention plan must be reviewed and approved by the manager prior to the issuance of a construction stormwater discharge permit; and
14. The manager must receive a NOT or a request for a certificate of occupancy for the facility or subdivision for a final inspection. (Ord. No. 742, 01/05/16)

§ 18-319. SPECIFIC DESIGN CRITERIA.

- A. Infiltration systems shall be designed in accordance to standards and specifications that are developed or approved by the Water Resources Division of the Oklahoma Department of Natural Resources and shall meet the following requirements:
 1. Infiltration systems greater than 3 feet deep shall be located at least 10 feet from basement walls;
 2. Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be a minimum of 100 feet from any water supply well, if applicable;

3. Infiltration systems may not receive runoff until the entire drainage area to the infiltration system has received final stabilization; and
 4. The Storm Water Management facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
- B. Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service and shall include the following items:
1. Velocity dissipation devices shall be placed at the outfall of all detention or retention structures along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course;
 2. If determined to be necessary by the City of Choctaw's Stormwater Quality Division, the applicant's engineer shall submit to the Stormwater Quality Manager an analysis of the impacts of storm water flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing and modifications of the proposed development upon a dam, highway, structure or natural point of restricted stream flow, downstream of a tributary of the following size:
 - a. The first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
 - b. The first downstream tributary whose peak discharge exceeds the largest designed release rate of the pond.
 3. The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at the downstream dam, highway, structure or natural point of restricted stream flow;
 4. Retention ponds should be designed and maintained so as to minimize aquatic weed growth, mosquito infestation and also provide protective safety fencing where necessary.
 - a. Off site structures to be considered:
 1. Shall have a contributory drainage area not in excess of 400 acres unless, on a case-by-case basis, a larger drainage area is approved by the ODEQ;
 2. Shall manage the increase in peak discharge(s) for the 2-, 10-, and

25-year frequency storm event(s).

- b. The predevelopment peak discharge rate shall be computed assuming that all land uses in the site to be developed are in good hydrologic condition and shall be based on the average use of the land in question for the five (5) years preceding the proposed change in the utilization of said lands.
- c. The engineer shall give consideration to incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water;
- d. The Stormwater Quality Manager and City Engineer shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case-by-case review of Storm Water Management plans;
- e. Where a Storm Water Management plan involves direction of some or all runoff of the site, it shall be the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a Storm Water Management plan does not create nor affect any such rights. (Ord. No. 742, 01/05/16)

§ 18-320. REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.

All Storm Water Management plans for a Land Disturbance Plan shall be submitted by a licensed engineer registered with the State of Oklahoma. An application for a waiver shall be submitted to the Stormwater Quality Manager for review and approval, for any proposed development, unless otherwise exempted. The Storm Water Management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measure in which storm water runoff will be managed from the entire development. The Stormwater Quality Manager or a designated representative shall review the plan to determine compliance with the requirements of this Ordinance. The plan shall serve as the basis for all subsequent construction. (Ord. No. 742, 01/05/16)

§ 18-321. WAIVERS.

The Stormwater Quality Manager and City Engineer may grant a waiver of the Storm Water Management requirements for individual developments provided that a written request is submitted on behalf of the applicant by a registered professional engineer recognized by the State of Oklahoma, containing descriptions, drawings, and any other pertinent information that is necessary to evaluate the proposed development. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate that:

- A. The proposed development will not generate more than a ten (10) percent increase in the 2-year predevelopment peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or water body; and
- B. A site that is completely surrounded by existing developed areas served an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development. (Ord. No. 742, 01/05/16)

§ 18-322. VARIANCES.

The Board of Adjustments may grant a written Variance from any requirements of the Storm Water Management Criteria if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for a Variance shall be provided to the City of Choctaw's Stormwater Quality Division and shall state the specific Variances sought and reasons for their granting.

The Board of Adjustments shall have the authority to grant a Variance, and such a Variance shall not be granted unless and until sufficient specific reasons justifying the Variance is provided by the person developing land. (Ord. No. 742, 01/05/16)

§ 18-323 PERMIT FEES.

The permit fees for a Ground Clearing Permit and Land Disturbance Permit will be evaluated yearly by the Manager and presented to City Council. City Council will determine the fee and add it to the adopted fee schedule. (Ord. No. 742, 01/05/16)

§ 18-324. MAINTENANCE AGREEMENT

Prior to the issuance of any Building Permit for which Storm Water Management is required, the Stormwater Quality Manager, or an authorized representative, shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private Storm Water Management facility. Inspections shall be conducted at reasonable times by the Stormwater Quality Manger or an authorized representative, to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.

The agreement shall be recorded by the applicant and or owner in the land records of Oklahoma County, Oklahoma.

The agreement shall also provide that, if after notice by the City or ODEQ to correct a violation regarding maintenance work and satisfactory corrections are not made by the owner(s) within a 30- day maximum, the City of Choctaw may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and

any penalties, and their shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the City of Choctaw. (Ord. No. 742, 01/05/16)

§ 18-325. MAINTENANCE RESPONSIBILITY

The owner of the property on which work has been done pursuant of this Ordinance for private Storm Water Management facilities, or any other persons or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with approved plans and funded by the owner of the property. (Ord. No. 742, 01/05/16)

§ 18-326 MAINTENANCE AND SUBMITTAL OF RECORDS.

Appropriate proof and records of compliance with the provisions of a Ground Clearing Permit or Land Disturbing Permit shall be made available for the Stormwater Quality Division's review at any time.

The owner/operator shall send a permit renewal request annually to the Stormwater Quality Division prior to the anniversary date of the permit. Such request for permit renewal shall be accompanied a permit renewal that will be determined by the City Council and adopted into the fee schedule.

The owner/operator will be notified by regular mail within thirty (30) days prior to the anniversary date. Failure to request permit renewal and pay the applicable permit renewal fees by the anniversary date shall result in immediate suspension of permit coverage. (Ord. No. 742, 01/05/16)

§ 18-327 TRANSFER OF PERMIT.

A Ground Clearing Permit or Land Disturbing Permit may be transferred to a subsequent owner/operator only upon the filing of an amended application containing all of the subsequent owner/operator's information required on an application providing there are no changes in the operation of the facility which may affect the quantity or quality of the stormwater runoff.

If there are to be any changes in the operation of the facility which may affect the quantity or quality of stormwater runoff, then the subsequent owner/operator shall re-submit, by NOI, for a Ground Clearing Permit or Land Disturbing Permit prior to the beginning of operation of the facility.

The current owner/operator must be in compliance with all permit conditions at the time of transfer. Transfer of permit coverage shall not relieve the owner/operator of any liability or criminal prosecution for any violations occurring before the transfer is completed.

The filing of an amended application shall be treated as an interim permit allowing the continued operation of the facility pending review of the amended application by the manager, which shall remain in force until the amended application shall be approved or denied by the manager.

The application fees for amended applications shall be approved by the City Council and listed within the adopted fee schedule. (Ord. No. 742, 01/05/16)

§ 18-328 SIGNATORY REQUIREMENTS

All applications and reports required by this article to be submitted to the Stormwater Quality Division shall be signed:

- A. By a responsible party (e.g., developer, owner/operator, contractor) with operational control over the project specifications and daily operations;
- B. For a corporation, by an officer of the corporation, as authorized and in charge of principal business functions, or any other person as authorized to perform similar policy or decision-making functions for the corporation;
- C. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; and
- D. For a municipality, state, federal or other public facility, by either a principal executive officer or the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- E. Any person signing any document required by this article shall make the following certification: "I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete, I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or civil penalty." (Ord. No. 742, 01/05/16)

§ 18-329 FINAL INSPECTION.

- A. Final inspections shall be performed by the manager under the following circumstances:
 - 1. Upon receipt of a notice of termination (NOT) for permits issued under this section;
 - 2. Upon completion of single-family residence on an individual lot covered by a permit or permits issued under this article; or

3. Upon completion of commercial, industrial, institutional, and multifamily residential structures.
- B. Final inspections shall not be approved until all areas disturbed during construction activity have been completely stabilized by perennial vegetation or other acceptable means;
 - C. All temporary erosion and sediment controls have been removed, and all potential sources of pollutants to stormwater runoff have been removed from the property, adjacent paved surfaces and storm sewer;
 - D. Upon approval of the final inspection, permit coverage shall be terminated for the property or individual lot;
 - E. Commercial, industrial, institutional, multifamily residential structures and single-family residences cannot obtain a certificate of occupancy until a final inspection has been performed and approved by the Stormwater Quality Manager; and
 - F. Permit conditions must be maintained until a final inspection has been approved. (Ord. No. 742, 01/05/16)

§ 18-330 SUSPENSION AND REVOCATION OF PERMITS.

When the Stormwater Quality Manager or a staff member finds that any person has violated or continues to violate any permit issued under this article, the City may suspend permit coverage and issue a stop-work order on the entire construction or developed site until all permit conditions are met.

If the permittee fails to achieve compliance within fourteen (14) days of the beginning of permit suspension, the permit may be revoked. An inspection will be required before re-instatement of any suspended permit.

There shall be a re-instatement inspection fee, listed in the fee schedule, on any suspended permit. A revoked permit cannot be re-instated and a new permit(s) application must be submitted. (Ord. No. 742, 01/05/16)

ARTICLE D

LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENTATION CONTROL

§ 18-345 SEDIMENT AND EROSION CONTROL.

No land disturbing activity shall be conducted within the city except in such a manner that:

- A. Stripping of vegetation, re-grading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative groundcover shall not be destroyed, removed or disturbed more than ten (10) days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area;
- B. Upon completion of land disturbing activities, will not leave slopes so that they will erode. Such methods shall include re-vegetation, sodding, mulching, rip-rapping or guniting. Regardless of the method used, the objective will be to leave the site as erosion-free and maintenance-free as practicable;
- C. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- D. Permanent or temporary soil stabilization is applied to disturbed areas to the extent feasible within seven (7) days on areas that will remain unfinished for more than fourteen (14) days. Permanent soil stabilization with perennial vegetation shall be applied immediately after final grading is reached on any portion of the site. Soil stabilization refers to measures that protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved;
- E. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized;
- F. Sediment in stormwater runoff is trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized;
- G. Neighboring persons and property are protected from damage or loss resulting from excessive soil erosion or deposition upon property or public streets of water-transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks;
- H. A controlled construction entrance/exit is maintained in a condition that will prevent tracking or flowing of sediment onto the public right-of-way. Tracked out sediment must be removed by the end of the workday;
- I. Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday;
- J. Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall, to the extent practicable, be

diverted by using berms, channels or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas to detain stormwater runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation;

K. All control measures are inspected, and repaired as necessary, bi-weekly in dry periods and within twenty-four (24) hours after any precipitation of one-half (0.5) inch or more within a twenty-four-hour period. During prolonged precipitation, daily inspections and repairing must be performed. The permittee shall maintain records of such inspections and repairs;

L. A specific individual is designated to be responsible for erosion and sediment controls on each site;

M. There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the receiving stream; and

N. When the land disturbing activity is finished and stable, perennial vegetation has been established on all remaining exposed soil. The permittee shall notify the manager of these facts and submit an NOT of the permit issued under this section. The manager shall then provide a final inspection of the site within twenty (20) days after receipt of such notice and, when advisable, may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the permittee shall continue to be covered by the provisions of this article until a request for termination of the permit has been accepted by the manager. (Ord. No. 742, 01/05/16)

§ 18-346 PORTABLE TOILET FACILITIES.

Portable toilet facilities shall not be located within any public right-of-way, except in association with a public construction project, e.g., street widening. In and abutting residentially zoned property, portable toilet facilities shall be located in the backyard and shall not be located within five (5) feet of any side property line and ten (10) feet of any rear property line and must be removed within twenty-four (24) hours of the cessation of the reason for which it was placed. (Ord. No. 742, 01/05/16)

CHAPTER 4

ILLCIT DISCHARGE AND CONNECTION RELATING TO
STORM WATER MANAGEMENT

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CHAPTER 4

ILLCIT DISCHARGE AND CONNECTION RELATING TO
STORM WATER MANAGEMENT

§ 18-401 PURPOSE AND INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-402 APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-403 RESPONSIBILITY FOR ADMINISTRATION.

The city shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the city manager of the city to persons or entities acting in the beneficial interest of or in the employ of the agency. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-404 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-405 DISCHARGE PROHIBITIONS.

- A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance:
 - a. Water line flushing
 - b. Landscape irrigation
 - c. Diverted stream flows
 - d. Rising ground waters
 - e. Residential building wash water without detergents
 - f. Uncontaminated pumped ground water
 - g. Uncontaminated ground water infiltration

- h. Discharges from potable water sources
 - i. Foundation or footing drains (not including active groundwater dewatering systems)
 - j. Air conditioning condensate
 - k. Irrigation water
 - l. Springs
 - m. Water from crawl space pumps
 - n. Footing drains
 - o. Lawn watering
 - p. Individual residential car washing
 - q. De-chlorinated swimming pool discharges
 - r. Street wash water
 - s. Fire hydrant flushing
 - t. Non-commercial or charity car washes
 - u. Discharges from riparian areas and wetlands.
2. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System (OPDES) or National Pollutant Discharge Elimination System (NPDES) NPDES permit.
 3. Discharges or flows from emergency fire fighting activities provided procedures are in place for the incident commander, fire chief or other on-scene fire fighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any such pollutant releases to the maximum extent practicable subject to all appropriate actions necessary to ensure public health and safety. These procedures must be documented in the city's SWMP. Discharges or flows from fire fighting training activities are not authorized by this permit.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-406 SUSPENSION OF MS4 ACCESS.

- A. Suspension due to Illicit Discharges in Emergency Situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- B. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-407 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-408 MONITORING OF DISCHARGES.

- A. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- B. Access to Facilities.
 - 1. The city shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 - 2. Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

3. The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the city access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
7. If the city has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-409 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The city will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all

terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-410 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-411 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-412 ENFORCEMENT.

- A. Notice of Violation. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
1. The performance of monitoring, analyses, and reporting;
 2. The elimination of illicit connections or discharges;

3. That violating discharges, practices, or operations shall cease and desist;
 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 5. Payment of a fine to cover administrative and remediation costs; and
 6. The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-413. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-414 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within three (3) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-415 COST OF ABATEMENT OF THE VIOLATION.

- A. Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within five (5) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges

shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- B. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of ten (10) percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-416 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-417 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-418 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-419 CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of one thousand (\$1,000.00) dollars per violation per day and/or imprisonment for a period of time not to exceed thirty (30) days. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

§ 18-420 REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. No. 622, 6/27/06, Ord. No. 742, 01/05/16)

CHAPTER 5

STORMWATER QUALITY MANAGMENT

- § 18-501 General.
- § 18-502 Authority of stormwater quality manager.
- § 18-503 Monitoring.
- § 18-504 Illicit connections and improper disposal.
- § 18-505 Inspections.

CHAPTER 5

STORMWATER QUALITY MANAGEMENT

§ 18-501 GENERAL.

The stormwater quality management division of the City of Choctaw City Utilities Department is hereby created. Its functions shall be to design and implement compliance programs protecting the community's natural resources. (Ord. No. 742, 01/05/16)

§ 18-502 AUTHORITY OF STORMWATER QUALITY MANAGER.

- A. The Manager of stormwater quality management shall manage the Stormwater Quality Program.
- B. With respect to the city's compliance with environmental laws, the Manager shall have the power and authority to perform the following acts:
 - 1. Carry out all inspections, surveillance, enforcement and monitoring procedures necessary to determine compliance;
 - 2. Administer the city's compliance with its NPDES permit to discharge from the municipal storm sewer system;
 - 3. Inspect city residential and non-residential properties for the presence of hazardous substances, and develop and administer whatever remediation programs are required;
 - 4. Determine whether the city is in compliance with the federal and state Clean Water Acts; whether the city has obtained all permits required by federal and state environmental laws; and whether the city is in compliance with the permits it has;

5. Audit use of herbicides, fertilizers and pesticides to determine compliance with the Clean Water Act and to recommend alternative solutions where practicable for the reduction of their use through education and out-reach programs;
 6. Monitor the city's compliance with all federal, state and local laws; except that:
 - a. Administering the city's compliance with state and federal laws relating to discharge from the POTW is the responsibility of the wastewater department;
 - b. Administering the city's compliance with state and federal laws relating to the production and distribution of drinking water is the responsibility of the water department; and
 - c. Administering the city's compliance with state and federal laws relating to risk management and safety operations training and programs are the responsibility of the human resources department.
 7. Perform such other administrative duties as may be assigned.
- C. With respect to enforcement, the Stormwater Quality Division shall have the authority to:
1. Investigate violations of and enforce those aspects of the Clean Water Act that are within the authority of local governments;
 2. Investigate violations of and enforce this part of the Code of Ordinance;
 3. Investigate violations of and enforce those provisions that relate to hazardous substances and spills although primary enforcement will remain with the city fire department;
 4. Investigate all other violations of and enforce environmental laws within the city; and
 5. Perform other environmental activities as may be required to ensure compliance of environmental regulations by the city and others within the city.
- D. With respect to other programs, the manager shall have the authority to:
1. Monitor and coordinate with other city departments on the city's response to releases of hazardous substances;

2. Review and assess the environmental hazards of real property involved in city land transactions;
3. Establish and supervise a program for the collection of hazardous household waste; and
4. Create, promote, and publicize educational programs for environmental awareness. (Ord. No. 742, 01/05/16)

§ 18-503 MONITORING.

The Manager shall monitor the quantity of, and the concentration of, pollutants in stormwater discharges from the areas and locations as designated in the Choctaw City Stormwater Management Plan. (Ord. No. 742, 01/05/16)

§ 18-504 ILLCIT CONNECTIONS AND IMPROPER DISPOSAL.

- A. The manager shall take appropriate steps to detect and eliminate illicit connections to the stormwater drainage system, including the adoption of a program to screen illicit discharges and identify their source or sources.
- B. The manager shall take appropriate steps to detect and eliminate improper discharges, including instituting programs to screen for improper disposal and programs to provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and hazardous household waste. (Ord. No. 742, 01/05/16)

§ 18-505 INSPECTIONS

- A. The manager, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this article and the stormwater management program. The manager shall duly notify the owner/operator and the inspection shall be conducted at reasonable times.
- B. In the event the manager reasonably believes that discharges from the property into the city's stormwater system may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any place at any time and without notice to the owner/operator. The inspector shall present proper credentials upon reasonable request by the owner/operator.
- C. Upon refusal by any owner/operator to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas

concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the manager. The manager may seek appropriate compulsory process.

- D. At any time during the conduct of an inspection or at such other times as the manager may request information from an owner/operator, the owner/operator may identify areas of the property, facility or establishment, material or processes which contain or might reveal confidential information. If the manager has no clear and convincing reason to question such identification, the inspector shall nonetheless inspect; however, the inspection report shall not contain any of the confidential information. (Ord. No. 742, 01/05/16)

CHAPTER 6

ENFORCEMENT

§ 18-601 Public Nuisance.

CHAPTER 6

ENFORCEMENT

§ 18-601 PUBLIC NUISANCE

Discharge of stormwater in any manner in violation of this part of the Code of Ordinance or of any condition of a permit issued pursuant to this article or a stormwater discharge permit issued by the state is hereby declared a public nuisance and must be corrected or abated by the owner/operator.

Remedies, abatements, procedure, enforcement, and penalty will follow the ordinances that are defined in Part 8 “Health and Sanitation”, Chapter 4 “Nuisances” and Chapter 6 “Enforcement and Penalty”. (Ord. No. 742, 01/05/16)