

PART 14

STREETS AND PUBLIC WORKS

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CHAPTER 1

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Section 14-110	Penalty.

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

- A. The owner of any premises abutting on any street of this city shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct the view or free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than fourteen (14) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the city punishable under Section 1-108 of the code. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.
- C. In order to protect the public welfare and safety, the city manager may effect immediate removal of any object found in violation of this section or abate

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any such obstruction. Any costs for such removal or abatement shall be borne by the owner or occupier of the property. (Prior Code, Sec. 24-3, in part)

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (New)

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, STREETS WITH MERCHANDISE, EXCEPTIONS, PERMITS.

- A. It is unlawful for any person to place upon or permit to be placed upon the sidewalks, parkways, public property, streets and alleys of the city any goods, wares, articles of merchandise or any automobile, other device, goods or obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade or solicitation except as provided herein.
- B. The city manager may, subject to Section 14-104, permit the use of public streets or alleys for special events for promotion of matters of community interest which may include display or sale of merchandise in accordance with such regulations as the city may require. An applicant shall file an application with the city clerk at least thirty (30) days prior to the date of such event and shall provide such information and comply with such regulations as are required by the city.
- C. The city manager may, subject to Section 14-104, permit the use of public sidewalks by dealers or merchants for the sale, display or storage of goods and merchandise deemed to be in the city's best interest or at special events for promotion of matters of community interest. The city manager shall hear request for such approval and shall be guided in the decision to grant permits according to his best judgment and pursuant to the following:
  - 1. No area as determined by the city manager may be granted approval for use of public sidewalks for a period or at a frequency greater than as follows:
    - (i) 72 hour permit: Once per 30 days; or
    - (ii) Annual permit: Once per year; provided that any annual permit is limited and available only for the provision of edible food and/or beverages

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to be consumed on site where seating is provided by the vendor.

2. Application for sidewalk permits shall be submitted for approval no later than fifteen (15) days prior to the requested date of use; and
  3. No permit shall be granted until the applicant has paid the fee required therefor as provided by the Master Fee Schedule; and
  4. Such other information or requirements shall be provided as may be required by the city.
- D. Any permit granted pursuant to this section may not become effective until the applicant furnishes liability insurance in such an amount as shall be deemed necessary by the city, conditioned to protect and save harmless the city from all claims for personal injury and property damage resulting the use of such streets and sidewalks by the public.
- E. Any violation of this section shall, upon conviction, constitute a misdemeanor punishable under Section 1-108 of this code.

### SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

- A. It is unlawful for any person to use or obstruct the streets, sidewalks or other public places of the city in any manner so as to interfere unduly with traffic, pedestrian traffic or to prevent access or to create a hazard, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.
- B. In order to protect the public welfare and safety, the city may effect immediate removal of any object found in violation of this section. Any costs for such removal shall be borne by the owner or occupier of the grounds fronted thereon or at the expense of the person owning or placing the encroachment thereupon. Each day such blockage or obstruction remains shall constitute a new and separate violation. (Prior Code, Sec. 24-2)

### SECTION 14-105 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings,

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dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-106 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-107 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-108 DUTY TO KEEP SIDEWALK AND GUTTER CLEAN, GOOD REPAIR.

It is the duty of the occupant of any lot or piece of ground abutting upon any street where there is a sidewalk or gutter on the street to keep such sidewalk or gutter clean and to remove therefrom all materials, snow or ice, trash, weeds, refuse, rubbish or hazards of any kind and to keep the sidewalk and gutter in good repair. If there is no such occupant of any such lot other than the owner, it is the duty of the owner to do the same.

SECTION 14-109 DRAINAGE OF POLLUTING SUBSTANCES INTO STREETS, ALLEYS OR SIDEWALKS PROHIBITED.

It is unlawful for any residence or business to allow drainage of a polluting substance or to allow drainage of water which may become a hazard into any street, alley or sidewalk. A polluting substance is one so defined under Section 926.1 of Title 82 of the Oklahoma Statutes.

SECTION 14-110 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

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CHAPTER 2

CUTTING STREETS AND SIDEWALKS

Section 14-201	Excavations on streets or sidewalks.
Section 14-202	Permits.
Section 14-203	Cutting of pavement.
Section 14-204	Warning signals.
Section 14-205	Removal of danger signals.
Section 14-206	Penalty.

SECTION 14-201 EXCAVATIONS ON STREETS OR SIDEWALKS.

It is unlawful for any person to cut, alter, excavate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley or any sidewalk in the city without first securing a permit from the city to make such cut, alteration, or change; provided this requirement shall not apply to any person repairing or replacing a sidewalk under a sidewalk permit, provided such person changes only the sidewalk.

SECTION 14-202 PERMITS.

- A. Any person desiring to cut, alter, mutilate, or change in any manner for any purpose, any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenance of any street or alley, shall apply to the building inspector of the city for a permit therefor, and pay to the city clerk the permit fee required as set by the Master Fee Schedule.
- B. Upon the payment of the fee and after approval by the city manager or his designee and compliance by the applicant with city requirements, the building inspector shall issue to such applicant a permit in accordance with the application therefor.

SECTION 14-203 CUTTING OF PAVEMENT.

Before removing pavement for the installation or repair of subsurface utilities, all sides of the proposed cut shall be sawed with an approved concrete saw to a depth as required by the city. Where it is necessary to cut paving for emergency repairs, paving may be removed without sawing, provided any damaged sections of paving are removed prior to making of repair. If it is further necessary to remove additional paving, the sawing process shall be repeated, covering the outer edges of the pavement to be replaced and the replacement of all paving cut shall be done by the applicant at his cost, but under the

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direct supervision of the city.

### SECTION 14-204 WARNING SIGNALS.

It is the duty of any person doing any type of constructing or excavating work upon or adjacent to any street, alley, sidewalk, or public ground in the city to maintain substantial guard rails and barriers around such work or excavation in such a manner as to protect pedestrians, animals, and vehicles using such street, alley, or walk, in conformance with the uniform traffic code adopted by the city. Similar barriers shall be placed around any materials or equipment with which contact would be dangerous to pedestrians, animals or vehicles. It is the duty of all such persons to display and maintain warning lights during non-daylight times such work, excavation or obstruction exists. Such lights shall be of a type approved by the city, and shall be placed on or sufficiently near such place in a number and manner sufficient to warn the traveling public from any direction. It is an offense for any person to fail to provide such safeguards, and each day of such omission shall constitute a separate offense. Subsequent offenses by the same person or business shall subject the person or business to the maximum penalty prescribed

### SECTION 14-205 REMOVAL OF DANGER SIGNALS.

It is unlawful for any person to remove or destroy any barrier or danger signal placed or erected under the provisions of this code, unless such act is done at the direction of the person in charge of such work or the city.

### SECTION 14-206 PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code. (Prior Code, Sec. 19-22)

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CHAPTER 3

PUBLIC WORKS ENGINEERING DESIGN AND CONSTRUCTION SPECIFICATIONS

Section 14-301/A Specifications and criteria dated August 19, 2014.

SECTION 14-301 SPECIFICATIONS AND CRITERIA ADOPTED.

- A. The "Engineering Design Criteria and Construction Specifications" dated August 19, 2014, and attached as Exhibit A (to Ordinance No. 2707), as may be amended from time to time, is hereby adopted and incorporated herein by reference and shall be controlling and applicable upon all engineering design and construction of privately or publicly financed public works projects in the city.
- B. The Engineering Design Criteria and Standard Specifications consists of the following chapters:
1. Division 100 General;
  2. Division 200 Design Criteria for Water Mains;
  3. Division 300 Design Criteria for Sanitary Sewers;
  4. Division 400 Design Criteria for Streets;
  5. Division 500 Stormwater Drainage Criteria;
  6. Division 600 Soil Erosion and Sedimentation Control.
- Section II. Standard Specifications:
1. Division 1100 General Specifications;
  2. Division 2200 Water & Sewer Material Specifications;
  3. Division 2300 Water & Sewer Construction Specifications.

(Ord. No. 2140, 1/17/95, Ord. No. 2707, 09/15/14.)

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CHAPTER 4

STORMWATER MANAGEMENT PROGRAM

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SECTION 14-400.

FINDINGS OF FACT

The City makes the following findings of fact:

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

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- E. Natural and manmade hazards exist and present a threat to the City.

### SECTION 14-401. PURPOSE AND INTENT

It is the purpose of this section to promote public health, safety and welfare by providing for operating, constructing, equipping, maintaining, acquiring and owning within the City a stormwater drainage system and implementing a hazard mitigation program to regulate non-storm water discharges to the City of Sapulpa storm water drainage system to the maximum extent practicable as required by federal and state law. This section 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) and the Oklahoma Pollutant Discharge Elimination System (OPDES) permit requirements. The objectives of this section are:

- B. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any person;
- C. To control the introduction to the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than storm water;
- D. To prohibit illicit connections and illicit discharges to the municipal separate storm sewer system;
- E. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this section;
- F. To establish procedures for enforcement of this section;
- G. To establish abatement and remediation procedures for this section; and
- H. To establish penalties for noncompliance with this section.

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### SECTION 14-402

### DEFINITIONS & ABBREVIATIONS

For the purposes of this chapter, the following shall mean:

**Accelerated Erosion.** Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action;

**Applicant.** A property owner or agent of a property owner who has filed an application for a permit;

**Authorized Enforcement Agency.** The City of Sapulpa or its designated representative;

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping 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;

**Building.** Temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property;

**Channel.** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water;

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto;

**Clearing.** Any activity that removes the vegetative surface cover;

**Conservation.** The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use;

**Conservation and Wildlife Sanctuary.** Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals, and plant-life and includes a forest reserve;

**Conservation Easement.** A legal document which provides permanent, property-specific protection for natural features on private land through legal agreements to restrict the management and use of affected areas;

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**Construction Activity.** Activities include but are not limited to clearing, grubbing, grading, regrading, land filling, excavating, berming, and diking of land, and includes land disturbance activities for the purpose of constructing a structure at some time;

**Construction Site.** A site where construction activities occur;

**Contaminated Site.** Property or lands that, for reasons of public health and safety, are unsafe for development as a result of past human activities, particularly those activities that have left a chemical or radioactive residue. Also, a site which has been identified as a former industrial or waste disposal site, where the presence of toxic chemicals and/or gas pose an unreasonable risk of injury to health, property, and/or the environment;

**Contamination.** The introduction of materials including, but not limited to pesticides, herbicides, septic leaks, or other toxic substances into a natural system;

**Contractor.** Any person, firm, association, syndicate, partnership, realtor, or corporation engaged in the business of accepting orders or contracts, either as a general contractor or subcontractor, for construction of model homes and other residential dwellings for sale the public and/or licensed by the state of Oklahoma as a contractor;

**Dedication.** The deliberate appropriation of property by its owner for general public use;

**Detention.** The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants;

**Detention Facility.** A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates;

**Developer.** A person who undertakes land disturbance activities;

**Development.** A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure;

**Discharge.** To cause or allow to throw, drain, release, dump, spill, empty, emit, or pour any liquids, pollutants or other materials into the municipal separate storm sewer system;

**Drainage Easement.** A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes;

**Drainage Way.** Any channel that conveys surface runoff throughout a site;

**Dry Weather.** A period of at least seventy-two (72) hours in which there has been no measurable rainfall;

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**Dry Weather Field Screening.** Inspection and/or testing of outfalls conducted during dry weather to evaluate outfalls for pollutants;

**Environmental Administrator.** The City of Sapulpa Environmental Administrator or his/her designee(s);

**EPA.** The United States Environmental Protection Agency;

**Erosion.** The mobilization of soil as a result of loss of vegetative cover, scouring by runoff, or associated with slope instability;

**Erosion Control.** A measure that prevents erosion;

**Grading.** Excavation or fill of material, including the resulting conditions thereof;

**Hazardous Materials.** 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;

**Hotspot.** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water;

**Illicit Discharge.** Any direct or indirect non-storm water discharge to the storm water drainage system, except as exempted in section 14-408 (3) of this chapter;

**Illicit Connections.** An illicit connection is defined as either of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm water drainage 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 water drainage system and any connections to the storm water drainage 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, any drain or conveyance connected from a commercial or industrial land use to the storm water drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency;

**Impervious Surface** shall mean any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, such as but not limited to rooftops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and oil

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macadam or other surfaces which similarly affect the natural infiltration or run-off patterns of real property in its natural state;

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14);

**Industrial Storm Water Permit.** A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies;

**Infiltration.** The process of percolating storm water into the subsoil;

**Infiltration Facility.** Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade;

**Jurisdictional Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation;

**Land Disturbance Activity.** Activities include but are not limited to clearing, grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse. Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface;

**Landowner.** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land;

**Maintenance Agreement.** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices;

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

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** 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;

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**Nonpoint Source Pollution.** Pollution discharged over a wide land area, not from one specific location. These are forms of diffuse pollution caused by sediment, nutrients, organic and toxic substances originating from land-use activities, which are carried to lakes, rivers and streams by surface runoff;

**Non-Storm Water Discharge.** Any discharge to the storm water drainage system that is not composed entirely of storm water;

**ODEQ.** The Oklahoma Department of Environmental Quality;

**Off-Site Facility.** A storm water management measure located outside the subject property boundary described in the permit application for land development activity;

**OKR10 Permit.** The Oklahoma Department of Environmental Quality General Permit OKR10 for storm water discharges from construction activities within the state of Oklahoma;

**On-Site Facility.** A storm water management measure located within the subject property boundary described in the permit application for land development activity;

**OPDES.** Oklahoma Pollutant Discharge Elimination System;

**Outfall.** The place where a sewer, drain, or stream discharges; the outlet or structure through which reclaimed water or treated effluent is finally discharged to a receiving water body;

**Perimeter Control.** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin;

**Permittee.** Owner of the land or an agent of the landowner to whom a permit is issued;

**Person.** 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;

**Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next;

**Plat.** A map showing the location, boundaries and ownership of individual properties, planned and developed as a single project;

**Pollutant.** 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; floatables; pesticides, insecticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; fecal coliform; pathogens; dissolved and particulate metals; animal wastes; sediment, wastes and residues that result from

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constructing a building or structure and/or altering premises; and noxious or offensive matter of any kind;

**Pond.** A small body of standing water, naturally or artificially formed with a depth not to exceed six (6) feet in depth and having an area of less than one (1) acre;

**PPM.** Parts per million;

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips;

**Public Utility.** A private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public;

**Recharge.** The replenishment of underground water reserves;

**Redevelopment.** Any construction, alteration or improvement in areas where existing land use is high density commercial, industrial, institutional or multi-family residential;

**Right-of-Way.** An area of land that is legally described in a registered deed for the provision of public access;

**Riparian Habitat.** Areas adjacent to rivers and streams with a differing density, diversity, and productivity of plant and animal species relative to nearby uplands;

**Sediment.** The coarse particles (such as sand, silt and gravel) and organic particulates transported by storm runoff and streamflow. Also, solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below water level;

**Sediment and Erosion Control Permit.** A permit designed to review, evaluate, modify, or any other action necessary to ensure sediment and erosion control on a construction site;

**Sediment and Erosion Control Plan.** A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a construction site;

**Sediment Control.** Measures that prevent eroded sediment from leaving a site;

**Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation;

**Site Plan.** A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking

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areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use;

**Slope.** The degree of deviation of a surface from the horizontal expressed in percentage or degrees;

**Stabilization.** The use of practices that prevent exposed soil from eroding;

**Start of Construction.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages;

**Stop Work Order.** An order issued which requires that all construction activity on a site be stopped;

**Stormwater Drainage System** means any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling stormwater and other discharges wherever located including, but not limited to, storm sewers, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private;

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation;

**Storm Water Management.** The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates;

**Storm Water Retrofit.** A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site;

**Storm Water Runoff.** Flow on the surface of the ground, resulting from precipitation;

**Storm Water Treatment Practices (STPs).** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies;

**Structure.** Anything constructed or erected occupying more than 200 square feet of area, the use of which requires location on the ground or attachment to something located on the ground but not including pavements, curbs, walks or open air surfaced areas or moving vehicles;

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**Summary Abatement.** Action taken by the City of Sapulpa or its agents to abate a violation without prior notice to the property owner or other interested parties;

**SWP3.** A storm water pollution prevention plan developed in compliance with ODEQ permit requirements;

**Unstable Slopes.** Slopes which are or may be subject to erosion such as mass movement, slumping, landslides, mudflows or rock falls. Also, slope or land which has a potential to collapse or slide if development occurs on, or adjacent to, such an area;

**Variance.** A relaxation of the terms of an ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship;

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility;

**Watercourse.** A natural or artificial channel or conduit through which water flows;

**Waterway.** A channel that directs surface runoff to a watercourse or to the public storm drain;

**Watershed.** The land area that drains water, sediment, dissolved materials and other matter to a common receiving body or outlet such as a stream, river or lake. The term is not restricted to surface water runoff and includes interactions with subsurface water;

**Zoning.** Categorizing the use or activity of land, buildings, structures or activities permitted in delineated areas; and

**Zoning Code.** A set of local government regulations and requirements that govern the use, placement, spacing and size of buildings and lots (as well as other types of land uses) within specific areas designated as zones primarily dedicated to certain land use types or patterns within the city limits.

### SECTION 14-403

### APPLICABILITY

This chapter shall apply to all water entering the storm water drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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### SECTION 14-404                      RESPONSIBILITY FOR ADMINISTRATION

The Environmental Administrator shall administer, implement, and enforce the provisions of this chapter.

### SECTION 14-405                      ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

### SECTION 14-406                      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.

### SECTION 14-407                      NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person 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 or the storm water drainage system, said person shall notify the City of Sapulpa. 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 Environmental Administrator in person or by phone or facsimile no later than the next business day. 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 years.

### SECTION 14-408                      ILLICIT DISCHARGE PROHIBITIONS

1. No person shall discharge or cause to be discharged into the municipal storm water drainage 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 unlawful discharge is prohibited.

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2. It is unlawful for any residence or business to allow drainage of a polluting substance or to allow drainage of water which may become a hazard into any street, alley or sidewalk. A polluting substance is one so defined under Section 926.1 of Title 82 of the Oklahoma Statutes.

3. The following discharges are exempt from discharge prohibitions established by this section unless the Environmental Administrator determines that the type of discharge, whether singly or in combination with others, is causing contamination of surface water, storm water or groundwater; causes overload or damage to the municipal separate storm sewer system or has the potential to endanger public health and safety; or is causing the City of Sapulpa to violate its NPDES or OPDES permit for storm water discharges:

- a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual residential car washing, non-commercial or charity washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated), fire hydrant flushings, fire fighting activities, and any other water source not containing pollutants;
- b. Discharges specified in writing by the Environmental Administrator as being necessary to protect public health and safety;
- c. Dye testing (using non-toxic dye) is an allowable discharge, but requires a verbal or written notification to the Environmental Administrator prior to the time of the test; and
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

### SECTION 14-409

### PROHIBITION OF ILLICIT CONNECTIONS

1. The construction, use, maintenance or continued existence of illicit connections to the storm water drainage system is prohibited. This prohibition expressly

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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.

2. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

### SECTION 14-410

### CONSTRUCTION ACTIVITIES

1. **General Performance Standards.** Any person subject to a construction activity NPDES and/or OPDES storm water discharge permit shall comply with all provisions of such permit(s). Proof of compliance with said permit(s) may be required in a form acceptable to the Environmental Administrator prior to the allowing of discharges to the MS4. All construction activities including but not limited to the development, excavation, clearing, grading, regrading, paving, land filling, berming, and diking of land shall be conducted in such a manner as to minimize erosion and prevent the discharge of pollutants, including but not limited to rock, sand, soil, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste into the City of Sapulpa municipal separate storm sewer system. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling erosion and preventing the discharge of pollutants to the MS4. All construction site storm water runoff control BMPs and post-construction storm water runoff BMPs shall comply with the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*.

2. **Responsible Person.** The person with overall responsibility of the construction, such as the general contractor, shall be jointly responsible with the person at whose direction the construction is being conducted for compliance with subsection (1) of this section.

3. **Record Keeping.** The person or persons responsible shall retain, and make available to the Environmental Administrator, for inspection and copying, all records and information required to be retained under this section or order issued hereunder. These records shall remain available for a period of at least three (3) years after expiration of the applicable permit. This period shall be automatically extended for the duration of any litigation concerning compliance with this section, or where the person or persons responsible have been specifically notified of a longer retention period by the Environmental Administrator.

4. **Permitting Purpose.** The purpose of permitting is to obtain and review proposed sediment and erosion control plans for any construction activities.

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### 5. **Sediment and Erosion Control Permit.**

- a. **Applicability.** Unless specifically exempted, a sediment and erosion control permit, as defined and regulated by this section, shall be obtained from the Environmental Administrator for any construction activities causing land disturbance. The sediment and erosion control permit must be obtained prior to commencement of any construction activities including, but not limited to any development, excavation, clearing, grading, regrading, land filling, berming, and diking of land.
- b. **Exemptions.** A sediment and erosion control permit shall not be required for the following: customary and incidental routine grounds maintenance, landscaping, and home gardening; construction activities related to bona fide agricultural, ranching, and farming operations which constitute the principal use of a tract of ground in the City of Sapulpa and are under the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry; construction activities occurring at oil and gas exploration and production related industries and pipeline operations that are under the jurisdiction of the Oklahoma Corporation Commission; and construction activities occurring on Indian Country lands (as defined in 18 USC Section 1151).
- c. **Application for Sediment and Erosion Control Permit.** For each sediment and erosion control permit a written application from the owner of the site, or his/her authorized representative, shall be provided to the Environmental Administrator in the form and with the content prescribed in this section, and shall be accompanied by a minimum of three (3) copies of a sediment and erosion control plan with the content prescribed in this section, and the required sediment and erosion control permit fee as set forth in the Master Fee Schedule. The permit application shall include the following information:
  - 1) Name, address, and telephone number of the legal owner of the property for which the sediment and erosion control permit is requested;
  - 2) Name, address, and telephone number of applicant, if different from the property owner;

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- 3) Name(s), address(es), and telephone number(s) of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities;
  - 4) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of any required vicinity map;
  - 5) Name(s), address(es), and telephone number(s) of the person(s) responsible for preparation of the sediment and erosion control plan and any required reports;
  - 6) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
  - 7) Size of the construction site, measured in acres;
  - 8) Proposed start date of the project;
  - 9) Proposed completion date of the project;
  - 10) Date of the application; and
  - 11) Signature(s) of the owner(s) of the site or an authorized representative.
- d. Sediment and Erosion Control Plan Requirements. These plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed construction activities on water resources, and the best management practices and other measures proposed to minimize soil erosion and prevent off-site sedimentation. All sediment and erosion control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. All construction activities including but not limited to the development, excavation, clearing, grading, regrading, landfilling, berming, and diking of land shall be performed in strict accordance with the approved plan.

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- 1) For construction sites less than one acre that are not part of a larger common plan of development or sale that is one acre or more, the following information shall be included in any plan:
  - a) A project narrative describing the nature of the construction activity;
  - b) A description of any surrounding watercourses, water bodies and other significant geographical features;
  - c) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
  - d) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed;
  - e) A description of, and specifications for, sediment and erosion control measures to minimize on-site erosion and prevent off-site sedimentation during the construction process, including provisions to preserve topsoil and limit disturbance. Minimum control measures must include the proper installation and maintenance of silt screen around the perimeter of the construction site. The applicant may propose the use of any sediment and erosion control measures in a plan provided such measures are proven to be as or more effective than the measures contained in this section and the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*;
  - f) A chronological schedule describing when the sediment and erosion control measures will be implemented during the construction process;

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- g) A description of temporary and permanent stabilization measures. The plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of site are stabilized. Stabilization practices may include but are not limited to the establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased except:
- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by adverse climatological conditions (i.e., snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable; and
  - (2) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site; and
- h) The Environmental Administrator may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this section or the preservation of public health and safety.
- 3) For construction sites greater than or equal to one acre and for construction sites that are less than one acre if the construction site is part of a larger common plan of development or sale that is one acre or more, sediment and erosion control plans shall be prepared by or under the direction of a registered professional engineer

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licensed by the State of Oklahoma. Any required sediment and erosion control plans shall comply with good engineering practices and shall be approved and stamped by a registered professional engineer licensed by the State of Oklahoma. In addition the following information shall be included in any plan:

- a) A project narrative describing the nature of the construction activity;
- b) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographical features, roads and other significant structures, and showing suitable contours for the topography. An indication of the scale used (this map shall be at a scale no smaller than 1 inch = 100 feet) and an arrow indicating north shall be included on the map;
- c) Legal description of the site and the address of the site (if a valid address has been assigned and/or accepted by the City of Sapulpa);
- d) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed;
- e) A chronological schedule and description of construction activities that disturb soils of the site (e.g., clearing, grubbing, excavation, grading, utilities and infrastructure installation);
- f) A description of, and specifications for, sediment and erosion control measures to minimize on-site erosion and prevent off-site sedimentation during the construction process, including provisions to preserve topsoil and limit disturbance. Minimum control measures include the proper installation and maintenance of silt screen around the perimeter of the construction site; the proper installation and maintenance of straw bales around all storm sewer inlets; the proper installation and maintenance of straw bales to minimize

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erosion on all slopes greater than 3 horizontal to 1 vertical (3:1) where land disturbing activity is planned; and stabilized gravel construction site entrances/exits to prevent tracking or flowing of sediment onto public right-of-ways. The applicant may propose the use of any sediment and erosion control measures in a plan provided such measures are proven to be as or more effective than the measures contained in this section and the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*;

- g) A chronological schedule describing when the sediment and erosion control measures will be implemented during the construction process;
  
- h) A description of temporary and permanent stabilization measures. The plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of site are stabilized. Stabilization practices may include but are not limited to the establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased except:
  - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by adverse climatological conditions (i.e., snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable; and
  
  - (2) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization

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measures do not have to be initiated on that portion of the site;

- i) A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed;
  - j) A copy of all required state and federal storm water discharge permits (NPDES filed with EPA; OPDES filed with ODEQ) for the construction site shall be provided to the Environmental Administrator. If an OKR10 permit is required by ODEQ for storm water discharges from a construction site, then the following documents shall be provided to the Environmental Administrator: a copy of the notice of intent submitted to ODEQ for the OKR10 permit, a copy of all storm water pollution prevention plans developed for the construction site, and a copy of the authorization to discharge storm water issued by ODEQ; and
  - k) The Environmental Administrator may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this section or the preservation of public health and safety.
- e. Permit Application Review. The Environmental Administrator shall review each application for a sediment and erosion control permit to determine its conformance with the provisions of this section. Within fifteen (15) business days after receiving a complete application, the Environmental Administrator shall:
- (1) Approve the permit application;
  - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this section, and issue the permit subject to these conditions; or

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- 3) Disapprove the permit application, indicating the reason(s) for disapproval.
- f. **Permit Disapproval.** If the Environmental Administrator determines that the sediment and erosion control plan does not meet the requirements of this section, then a sediment and erosion control permit shall not be issued. The sediment and erosion control plan must be resubmitted and must be approved by the Environmental Administrator before the land disturbance activity begins.
- g. **Conditions of Approval.** In granting any sediment and erosion control permit pursuant to this section, the Environmental Administrator may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:
- 1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;
  - 2) Adequate control of dust by watering, or other control methods acceptable to the Environmental Administrator, and in conformance with applicable air pollution ordinances;
  - 3) Improvements of any existing grading ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this section and the current *City of Sapulpa Engineering Design Criteria and Standard Specifications*; and
  - 4) Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety related devices.

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- h. **Permit Authorization.** The issuance of a sediment and erosion control permit shall constitute an authorization to do only that work described in the permit, or shown on the approved sediment and erosion control plan and specifications, all in strict compliance with the requirements of this section, unless each and every modification or waiver is specifically listed and given specific approval by the Environmental Administrator.
- i. **Permit Duration.** The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Permits issued under this section shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one (1) year after cessation of construction activity.
- j. **Responsibility of Permittee.** The permittee shall maintain a copy of the sediment and erosion control permit, approved plans and reports required under the sediment and erosion control permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved sediment and erosion control plan and also conform to the following:

  - 1) **General.** Notwithstanding other conditions or provisions of the sediment and erosion control permit, or the minimum standards set forth in this section, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result; and
  - 2) **Public Ways.** The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the construction site.

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- k. **Liability.** The permittee is responsible for safely and legally completing the project. Neither the issuance of a sediment and erosion control permit under the provisions of this section, nor the compliance with the provisions hereto or with any condition imposed by the City of Sapulpa, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City of Sapulpa for damages to persons or property.

- l. **Action upon Noncompliance.**

- 1) In the event work does not conform to the sediment and erosion control permit or to the plans and specifications or to any conditions imposed by the City of Sapulpa, notice to comply shall be given to the permittee in writing. The notice shall set forth a notification and compliance period of at least fifteen (15) days for the permittee to comply with the requirements of the notice, except that when an imminent hazard exists the Environmental Administrator may require that corrective work begin immediately. The notification and compliance period will begin on the day the notice is mailed to the permittee or the day the notice is posted on the property that is not conforming to the permit requirements, except that when an imminent hazard exists the Environmental Administrator may order an immediate summary abatement action to abate the violation. At the time of mailing of notice, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. Said notice shall further advise that, should the permittee fail to comply with the requirements of the notice by the established deadline, the work necessary to achieve compliance may be done by the City of Sapulpa or a designated contractor and the expense thereof shall be charged to the permittee. Issuance of a notice to comply shall not be a prerequisite to taking any other enforcement action.
- 2) If the City of Sapulpa finds any existing conditions not as stated in the application or approved plans, the Environmental Administrator may issue a stop-work order requiring that all construction activities halt when a construction site is in violation of this section. The stop-work order may apply to all construction activity on the subject property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or

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contracts issued or approved by the City of Sapulpa. The stop-work order may order a work stoppage on all construction activity on buildings or structures and appurtenances thereto, including but not limited to building, electrical, plumbing, mechanical, street work, storm sewers, sanitary sewers, gas lines, and all utilities including but not limited to gas, electric, telephone and cable television. The Environmental Administrator may also suspend or revoke any sediment and erosion control, site preparation, grading, erosion control, earth change, construction, or any other permit when any part of this section is violated.

- 3) The violation of any provision of this section, upon conviction, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty days in jail, or both, plus court costs as set by the city. Each day or any portion of a day during which any violation of this section shall continue shall constitute a separate offense.
- 4) Other actions described in the Penalties and Administrative Remedies section of this chapter may be taken by the City of Sapulpa, including but not limited to suspension of MS4 access, water supply severance, injunctive relief, abatement, remediation, and restoration of lands. The permittee shall be responsible for the costs incurred by the City of Sapulpa. Failure to pay will result in the City of Sapulpa seeking recovery of costs and damages pursuant to the conditions set forth in this chapter.

- m. **Changes to Plans.** All proposals to modify the approved sediment and erosion control plans must be submitted in writing to the Environmental Administrator. No grading or any type of work in connection with any proposed modification shall be initiated without prior written approval of the Environmental Administrator.
- e. **Inspection and Supervision.** The City of Sapulpa shall conduct construction site inspections upon receiving a complaint of violation of this section and as needed to evaluate compliance with this section. The permittee shall notify the Environmental Administrator when there are any departures from the approved sediment and erosion control plan and at the following stages:

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- 1) Upon completion of installation of perimeter sediment and erosion controls;
  - 2) At least twenty-four (24) hours but not more than seventy-two (72) hours (exclusive of Saturdays, Sundays, and holidays) prior to commencing initial grading or land disturbing activities;
  - 3) When construction and land disturbing activities are halted for a period of thirty (30) days or more;
  - 4) At least twenty-four (24) hours but not more than seventy-two (72) hours (exclusive of Saturdays, Sundays, and holidays) prior to when construction or land disturbing activities shall recommence after being halted for a period of thirty (30) days or more;
  - 5) Upon submitting a notice of termination to ODEQ in compliance with any OKR10 permit requirements; and
  - 6) Upon completion of final grading, permanent drainage and erosion control facilities including established ground covers and planting, and all other work of the permit.
- o. **Maintenance During and After Construction.** For any property on which grading or other work has been done pursuant to a sediment and erosion control permit granted under the provisions of this section, the permittee or owner or an agent of the owner shall inspect all sediment and erosion control measures and other protective measures identified in the sediment and erosion control plan at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and shall maintain and repair all sediment and erosion control measures, graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

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### SECTION 14-411

### REQUEST FOR VARIANCE.

1. The City Council shall hear and render judgment on requests for variances from the requirements of this chapter.
2. The variance request must be received by the Environmental Administrator within fifteen (15) days from the date of the Notice of Violation.
3. The Environmental Administrator shall maintain a record of all actions involving a request for variance and shall report variance decisions to ODEQ and EPA upon request.
4. Upon consideration of the factors involved and the intent of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
5. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.

### SECTION 14-412

### MONITORING OF DISCHARGES

1. The Environmental Administrator shall be permitted to enter facilities, premises, watercourses and waterways subject to regulation under this chapter for the purpose of observing, measuring, sampling, testing and inspecting as often as may be necessary to determine compliance with this chapter. 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 Environmental Administrator 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 or OPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law. Any permits, pollution prevention plans, or other documents regarding a facility's storm water discharge shall be made available to the Environmental Administrator when requested.
3. The Environmental Administrator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the

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authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The Environmental Administrator 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 Environmental Administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Environmental Administrator access to a permitted facility is a violation of a storm water discharge permit and of this chapter. 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 chapter.
7. If the Environmental Administrator has been refused access to any part of the premises from which storm water is discharged, and the City of Sapulpa is able to demonstrate probable cause to believe that there may be a violation of this chapter, 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 chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Sapulpa may seek issuance of a search warrant from any court of competent jurisdiction.

### SECTION 14-413

### PENALTIES AND ADMINISTRATIVE ENFORCEMENT REMEDIES

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

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1. **Investigation.** The Environmental Administrator or authorized representative may investigate any premises where there is to believe that there may be failure to comply with the requirements of this ordinance.
  
2. **Notice of Violations.** Whenever the Environmental Administrator determines that a violation of this ordinance has occurred or is occurring, the Environmental Administrator may issue a notice of violation (NOV) to the person or industry. This NOV shall include the nature of the violation and provide a reasonable time for correction. The Environmental Administrator may require, within fifteen (15) days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention, including specific required actions. The explanation and plan shall be submitted by the violator to the Environmental Administrator in writing. Submission of this plan shall in no way relieve the person or industry of liability for any violation(s) occurring before or after receipt of the NOV. Issuance of a NOV shall not preclude any other enforcement action.
  
3. **Administrative Orders.**
  - A. **Consent Orders.** The Environmental Administrator is empowered to enter consent orders, assurances of voluntary compliance, or other similar documents establishing a consensus with any person or industry for noncompliance. Such an order shall include specific action to be taken by the violator to correct the noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable.
  
  - B. **Compliance Orders.** When the Environmental Administrator finds that a person or industry has violated or continues to violate this ordinance or orders issued hereunder, the Environmental Administrator may issue an order to the violator directing that compliance be obtained within a specified time period. If compliance is not achieved within the time period, water service or sewer service, or both services may be discontinued, unless adequate BMPs or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements addressing noncompliance, including additional self-monitoring. A compliance order shall not extend the deadline for compliance established by a federal standard or requirement, nor shall a compliance order release the violator from liability for any violation, including any continuing violation.

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Issuance of a compliance order shall not preclude any other enforcement action.

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

1. Immediately comply with all requirements, and
2. Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

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

E. Administrative orders may be revised by the Environmental Administrator at anytime in order to insure compliance with this ordinance.

#### 4. **Administrative Fines.**

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

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

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

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

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

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

7. **Appeals.** Any person aggrieved by any NOV, administrative fine or order issued by the Environmental Administrator pursuant to this Section may appeal the action as provided in this subsection.

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

B. Upon receipt of a notice of appeal by the Environmental Administrator, the Environmental Administrator shall conduct any necessary investigation into the basis of the appeal and hold a hearing within thirty (30) days of

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receipt. However, upon review of the notice of appeal, if the Environmental Administrator determines that the basis of the appeal is patently frivolous or filed only for purposes of delay, then the Environmental Administrator may deny the appeal without a hearing. Upon the Environmental Administrator's denial without a hearing, the appellant shall be notified in writing of the denial and the grounds for denial.

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

D. Any person aggrieved by an appeal decision of the Environmental Administrator may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and the Environmental Administrator within fifteen (15) days from the date of the action by the Environmental Administrator. Such notice shall specify grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than thirty (30) days from the date the notice of appeal was filed with the City Clerk. The City Council shall have jurisdiction to affirm, modify, reverse or remand the action of the Environmental Administrator upon good cause shown. Any rulings, requirements, or decision of the Council shall be final.

8. **Injunctive Relief.** Whenever a person or industrial facility has violated or continues to violate the provisions of this ordinance, or orders issued hereunder, the Director, with the advice and counsel of the City Attorney and the approval of the Manager, may petition the district court for the issuance of an injunction, which restrains or compels the activities on the part of the person or industry. A petition for injunctive relief shall not preclude any other action against a person or industrial facility.
9. **Criminal Prosecution.** It shall be unlawful and a misdemeanor offense for any person to violate any of the provisions of this ordinance, or any order issued hereunder. Any person convicted of a violation of this ordinance, or any order issued pursuant to this ordinance, shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than Five hundred & no/100 dollars (\$500.00), excluding costs, fees and assessments, or by

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imprisonment in the City Jail for a period not exceeding ten (10) days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

10. **Remedies Nonexclusive.** The provisions of Sections 55.13 A and B of this ordinance shall not be exclusive remedies. The City reserves the right to take any combination of actions against a violator of this ordinance. These actions may be taken concurrently. The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

### SECTION 14-414

### STORMWATER UTILITY FEE

1. To fund costs associated with implementing and maintaining a Stormwater Management Program, a Stormwater Utility Fee is established for use of the City's stormwater drainage system and hazard mitigation program and shall be paid by owners and/or occupants of real property located within municipal limits at rates set forth in the Master Fee Schedule.

2. All revenues collected from the Stormwater Utility Fee shall be deposited to the Stormwater Management Fund.

3. The Stormwater Management Fund shall be used for the following purposes:

- a. Costs of development, administration, and implementation of the stormwater management program including operation costs, capital expenses, salaries and consulting fees;

- b. Public education and outreach;

- c. Stormwater pollution prevention activities;

- d. Illicit discharge detection and elimination;

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- e. Inspection, monitoring, surveillance, and enforcement activities;
- f. Abatement, remediation, and restoration activities;
- g. Field sampling and testing equipment, supplies, and services;
- h. Laboratory testing equipment, supplies, and services;
- i. Engineering and GIS equipment, supplies, and services;
- j. Storm sewer system development, upgrades, and repairs;
- k. Retrofitting developed areas for pollution control;
- l. The acquisition by gift, purchase, or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain the municipal storm sewer system; and
- m. Other equipment, supplies, and activities which are reasonably required.

4. The Stormwater Utility Fee shall be billed to each owner/occupant monthly, along with a bill for water or other utility services (as applicable) and such penalties as are now or may hereafter be established for water service bills, and shall carry the same due date as now or may hereafter be established for water service bills. In the event any person, firm or corporation shall tender as payment of water service, Outside Fire Run Program, sanitary sewer, nuisance abatement fees, sanitary sewer service, collection of solid waste service and/or service charge for the use of the City's stormwater drainage system an amount insufficient to pay in full all of the charges so billed, credit shall be given first to the charges for deposit, second to the service charge for the Stormwater Utility Fee, third to the charges for collections of solid waste, fourth to the charge for sanitary sewer service, fifth to any sanitary sewer nuisance abatement fees, sixth to Outside Firerun Program, seventh to the charges for water service and lastly to fees and penalties. The City shall have the right and privilege of discontinuing water service to any premises for insufficient payment.

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

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

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

### SECTION 14-415    POST-CONSTRUCTION STORMWATER IMPACTS; MINIMIZATION REGULATIONS AND REQUIREMENTS; COMPLIANCE PROCEDURES

The following post-construction stormwater impact provisions are intended to encourage compliance with this chapter.

1. The purpose of this section is to address the design, construction, operation, and maintenance requirements of stormwater drainage systems within the City of Sapulpa to reduce or eliminate post-development adverse stormwater quality and quantity impacts to the municipal separate stormwater system (MS4).
2. Development design, construction, and post-construction operations and maintenance of stormwater drainage systems shall be performed in such a manner so that adverse stormwater quality and quantity impacts to stormwater drainage systems and receiving streams both on the subject property and on offsite properties are avoided, reduced, or eliminated. Adverse stormwater quality and quantity effects for the purposes of this section includes increased flood elevations, increased velocity of floodwaters, erosion, siltation, sedimentation, reduced base flow, pollution, or degradation of water quality.

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3. Stormwater drainage systems for the purposes of this section include any facility, structure, improvement, development, equipment, property or interest therein, including structural and nonstructural elements, which are made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying, filtering, treating, infiltrating and controlling stormwater. This includes, but is not limited to detention facilities, retention facilities, sediment basins, ponds, lakes, engineered open channels, natural channels, floodplains, creeks, storm sewers, conduits, pipes, borrow ditches, swales, roadways, infiltration systems, rain gardens, and bio-retention filters.
4. Every development shall be provided with a stormwater drainage system designed by an Engineer registered in the State of Oklahoma, adequate to serve the development, and otherwise shall meet approval requirements of the officials having jurisdiction. The design shall meet City of Sapulpa Engineering Design Criteria Manual and other City of Sapulpa criteria and codes where applicable.
5. The stormwater drainage system shall be designed so that property owners located downstream from and upstream from the development shall not be injuriously affected by the construction, operation, or maintenance of such system.
6. Proof of Compliance.
  - (a) If a proposed development will disturb an existing wetland, the developer shall provide to the city a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act.
  - (b) If the Environmental Administrator obtains credible information regarding threatened or pending regulatory enforcement action related to an environmental condition of the property to be developed, or an environmental impact related to the development plan, then the Environmental Administrator may require the developer to provide to the City written statements from such governmental agencies as the Environmental Administrator may designate as having related jurisdiction based on the nature of the threatened enforcement action or environmental impact. Said statements shall verify that the development plan fully complies with environmental regulations within the jurisdiction of the writing agency. If the developer, after a diligent

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effort, is unable to obtain such written verifications from one (1) or more of the designated agencies, the developer shall at least provide to the City a written verification from said agency that the City's approval of the development plan will not interfere with a threatened or pending environmental enforcement action of said agency. All required written statements shall be provided to the Environmental Administrator prior to the scheduling of the hearing for the project development plan.

7. Construction of the development including stormwater drainage systems shall be performed in compliance with Section 14-410 requirements, City of Sapulpa Engineering Design Criteria requirements, and other City of Sapulpa construction criteria and code requirements where applicable.
8. Operations responsibility of the development stormwater drainage system shall be detailed in the covenants language on platted developments, on easement language for stormwater drainage systems in dedicated easements, or shall be borne by the property owner for stormwater drainage systems on private property.
9. Maintenance responsibility of the development stormwater drainage system shall be detailed in the covenants language on platted developments, on easement language for stormwater drainage systems in dedicated easements, or shall be borne by the property owner for stormwater drainage systems on private property.
10. In the event that the owner or responsible party fails to properly operate or maintain the stormwater drainage system such that negative stormwater quality or quantity impacts to stormwater drainage systems and or receiving streams either on the subject property or on offsite properties occurs or is imminent, the City of Sapulpa, Oklahoma, or its designated contractor may enter the property to perform required operations or maintenance, and the cost shall be paid by the owner or responsible party.”