

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING SECTION 21-118 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-1819-28, ESTABLISHING THE MONTHLY RATES TO FUND A STORMWATER UTILITY OF: THREE DOLLARS AND ZERO CENTS (\$3.00) FOR A RESIDENTIAL PROPERTY WITH A LIVING AREA LESS THAN OR EQUAL TO ONE THOUSAND ONE HUNDRED AND NINETY-SIX SQUARE FEET; SIX DOLLARS AND ZERO CENTS (\$6.00) FOR A RESIDENTIAL PROPERTY WITH A LIVING AREA OF ONE THOUSAND ONE HUNDRED AND NINETY SEVEN TO ONE THOUSAND NINE HUNDRED AND EIGHTY-THREE SQUARE FEET; NINE DOLLARS AND ZERO CENTS (\$9.00) FOR A RESIDENTIAL PROPERTY WITH A LIVING AREA GREATER THAN ONE THOUSAND NINE HUNDRED AND EIGHTY THREE SQUARE FEET; PROVIDING FOR A THIRTY PERCENT (30%) REDUCTION IN THE RATE FOR QUALIFYING LOW-INCOME RESIDENCES; TWELVE DOLLARS (\$12.00) FOR NON-RESIDENTIAL PROPERTY THAT HAS A PARCEL AREA THAT IS LESS THAN SIXTY-THREE HUNDREDTHS (0.63) OF AN ACRE; FORTY-FIVE DOLLARS (\$45.00) FOR NON-RESIDENTIAL PROPERTY THAT HAS A PARCEL AREA BETWEEN SIXTY-THREE HUNDREDTHS (0.63) ACRE AND TWO AND ELEVEN HUNDREDTHS (2.11) ACRES; EIGHTY DOLLARS (\$80.00) FOR NON-RESIDENTIAL PROPERTY THAT HAS A PARCEL AREA BETWEEN TWO AND TWELVE HUNDREDTHS (2.12) ACRES AND THIRTEEN AND NINETY-SEVEN HUNDREDTHS (13.97) ACRES; ONE HUNDRED SIXTY DOLLARS (\$160.00) FOR NON-RESIDENTIAL PROPERTY THAT HAS A PARCEL AREA EXCEEDING THIRTEEN AND NINETY SEVEN HUNDREDTHS (13.97) ACRES; CHANGING THE TITLE OF ARTICLE V TO STORMWATER UTILITY; AMENDING SECTION 21-501 AND ADDING SECTIONS 21-502, 21-503 AND 21-504; PROVIDING AN ADMINISTRATIVE APPEALS PROCESS FOR A PARTICULAR PARCEL; ADDING ARTICLE VI ENTITLED PENALTY AND SECTION 21-601 PROVIDING PENALTIES FOR VIOLATIONS OF THE CHAPTER; PROVIDING AN EFFECTIVE DATE FOR SAID RATES SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, on April 25, 2017 the City Council established the Stormwater Citizen Committee comprised of sixteen citizen members and four Council liaisons with representation from each Ward of the City, to meet, study and provide recommendations to the City Council regarding the need for a Stormwater Utility and appropriate rates for the same; and

- § 2. WHEREAS, the Stormwater Citizen Committee met every two weeks from May 15, 2017 through January 22, 2018 at which time the Committee finalized its recommendations and then provided their recommendations to the Norman City Council on April 10, 2018;
- § 3. WHEREAS, the Stormwater Citizen Committee further engaged the community through surveys, open houses, and focus groups to identify and address concerns the public may have through October of 2018; and
- § 4. WHEREAS, a key component of the Stormwater Utility is to provide a funding source for improve water quality, manage stream bank erosion and stability, protect drinking water supplies, enhance public recreational opportunity at Lake Thunderbird, and prevent flooding events throughout Norman; and
- § 5. WHEREAS, a 2009 City of Norman Community Survey indicated that 93% of Norman citizens responding to the survey felt funding stormwater improvements to prevent flooding, and protect water quality in lakes and streams as important, very important, or extremely important; and
- § 6. WHEREAS, a rational basis upon which to accomplish the legitimate governmental interest of establishing fair and equitable stormwater utility fees for property owners and utility customers within the City of Norman is to establish a graduated fee for residential property based on the square footage of living area and a graduated fee structure for non-residential property based on the ranges of acreage of parcels; and
- § 7. WHEREAS, a rational basis upon which to accomplish a legitimate governmental interest of simplifying the rate structure, managing administrative burdens associated with operation of a stormwater utility, is to allow administrative appeals of residential and non-residential parcel owners on the basis of establishing a more exact fee assessment when considering a particular owner's square footage of living area or parcel acreage, as appropriate, as desired by the parcel owner; and
- § 8. WHEREAS, a rational basis upon which to accomplish a legitimate governmental interest of reducing impervious surfaces and enhancing water quality is to allow credits for the utilization of low impact development strategies that have been shown to reduce the quantity and/or improve the quality of stormwater runoff.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 9. That should the voters approve the Stormwater Utility fees set out in Ordinance No. O-1819-28, then Section 21-118 of Chapter 21 of the Code of Ordinances of the City of

Norman, Oklahoma, shall be added to read as follows:

Sec. 21-118. Rates for Stormwater Utility.

- (a) There is hereby established a monthly stormwater utility rate billed to the responsible party for each residential parcel of developed land within the city in accordance with the following table:

<u>Residential tier</u>	<u>Living Area</u>	<u>Monthly Rate</u>
<u>1</u>	<u>Less than or equal to 1,196 sq. ft.</u>	<u>\$3.00</u>
<u>2</u>	<u>1,197 sq. ft. – 1,983 sq. ft.</u>	<u>\$6.00</u>
<u>3</u>	<u>Greater than 1,983 sq. ft.</u>	<u>\$9.00</u>

- (b) There is hereby established a monthly stormwater utility rate billed to the responsible party for each non-residential parcel of developed land within the city in accordance with the following table:

<u>Non-residential tier</u>	<u>Total Parcel Size</u>	<u>Monthly Rate</u>
<u>1</u>	<u>Less than 0.63 acres</u>	<u>\$12.00</u>
<u>2</u>	<u>0.63 acres to 2.11 acres</u>	<u>\$45.00</u>
<u>3</u>	<u>2.12 acres to 13.97 acres</u>	<u>\$80.00</u>
<u>4</u>	<u>Greater than 13.97 acres</u>	<u>\$160.00</u>

- (c) The rate for residential parcels, the responsible party for which is low income as defined by Section 8 of the Housing Act of 1937, amended by the Housing and Community Development Act of 1974, as annually adjusted, will be calculated at a reduction of twenty-five percent (30%).

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- § 10. That should the voters approve the Stormwater Utility rates set out in Ordinance No. O-1819-28, then Sections 21-501, 21-502, 21-503 and 21-504 of Chapter 21 of the Code of Ordinances of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

ARTICLE V. PENALTY STORMWATER UTILITY.

Sec. 21-501. -- Penalty.

- ~~(a) Any person, firm, or corporation convicted of violating any provision of this chapter, or of failing to act or comply with the provisions of this chapter, shall be punished by a monetary fine in an amount not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each such violation or failure to comply.~~
- ~~(b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.~~

Sec. 21-501. – Purpose.

It is the purpose of this article to establish a stormwater utility and management program 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 utility and management program would:

- (1) Reduce flood and storm losses and inconveniences from uncontrolled stormwater runoff in the City;
- (2) Ensure that the movement of emergency vehicles is not prohibited nor inhibited during storm or flood periods; and
- (3) 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.

Sec. 21-502. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Living area* means the total first floor square footage of habitable space located on a residential property.
- (2) *Parcel size* means the total square footage of property unit as reflected in the Cleveland County Assessor's records or the City of Norman's Geographic

Information Systems (GIS) map arrived at by considering the dimensions created by the boundaries of the property.

- (3) Residential property means a property used solely for residential purposes, excluding those that contain more than four (4) dwelling units on a single parcel.
- (4) Responsible party refers to the person or entity responsible for paying the monthly storm water utility rate and shall presumptively be the property owner. A person or entity other than the presumptive responsible party may be assessed and billed the stormwater utility fee upon providing proper documentation to the City's billing department.
- (5) Stormwater utility rate means the fees levied within the boundaries of the City for the use of the City's stormwater drainage system and facilities.
- (6) Stormwater drainage system means any facility, structure, improvement, development, equipment, property or interest therein, or other structural or nonstructural element made, constructed, used or acquired for the purpose of collecting, containing, storing, conveying and controlling stormwater wherever located, including, but not limited to, storm sewers, curbs, street drains, conduits, natural and manmade channels, pipes, culverts and detention ponds whether public or private.
- (7) Stormwater management program or program means an overall strategy and framework for the stormwater management activities of the City.

Sec. 21-503. – Duties of the City Manager.

The City Manager or his designee(s) shall exercise all lawful powers necessary and appropriate to administer the City's stormwater management program. The City Manager shall have the authority to:

- (1) 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 City's stormwater drainage system;
- (2) Administer the accounting, budgeting, record keeping and support personnel necessary for the efficient operation of the stormwater management program;

- (3) Perform studies, tests and analyses required to establish or modify the stormwater management program;
- (4) Provide for public information and awareness that would improve management and reduce pollution and hazards to life and property;
- (5) Enter into negotiations with the University of Oklahoma for a storm water management rate agreement that considers, among other things, parcels owned by the University of Oklahoma that contribute to stormwater entering into the Municipal Stormwater system as well as efforts by the University of Oklahoma to comply with Environmental Protection Agency regulations as a Municipal Separate Storm Sewer System (MS4) entity and as such, operates its own stormwater management program;
- (6) Collect the stormwater charges;
- (7) Hear administrative appeals from non-residential parcel owners in order to establish a more exact fee assessment based on the square footage of a particular parcel, as desired by the parcel owner;
- (8) Identify and prioritize projects for capital improvements and enhanced maintenance utilizing the criteria described in the Storm Water Master Plan and recommend such projects to City Council as funds allow;
- (9) Recommend to the City Council a comprehensive stormwater management program, including but not limited to, recommendations for policies regarding capital improvements, enhanced maintenance, cost sharing, and assistance to individual property owners and property owners' associations;
- (10) Determine whether to grant credits against the storm water utility rate for entities that utilize low impact development strategies that have been shown to reduce the quantity and/or improve the quality of stormwater runoff from their property in accordance with policies approved by the City Council;
- (11) Recommend from time to time to the City Council policies for establishing new kinds of stormwater drainage services, preserving and expanding existing service and making changes in service for the benefit of the public.

Sec. 21-504. – Stormwater Utility Fund.

A special fund or funds shall be maintained for the purpose of identifying and controlling all revenues and expenses attributable to stormwater utility charges. All stormwater utility rates and all loans, grants or funds received for the administration, operation, construction and improvement of the stormwater drainage system and facilities shall be recorded in such fund or funds.

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- § 11. That Article VI, Section 21-601 of Chapter 21 of the Code of Ordinances of the City of Norman shall be added as follows:

ARTICLE VI. – PENALTY.

Sec. 21- 601. Penalty.

- (a) Any person, firm, or corporation convicted of violating any provision of this chapter, or of failing to act or comply with the provisions of this chapter, shall be punished by a monetary fine in an amount not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each such violation or failure to comply.
- (b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.

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- §12. Effective date. Any imposition of the rates described herein shall be effective for all billings issued on or after the 1st day of August, 2019 and thereafter conditioned upon said rate increase being approved by a majority of the registered voters voting in an election called for the purpose of approving or rejecting said rates; said election to be held on the 2nd day of April, 2019.
- §13. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, except, that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2019.

Mayor

ATTEST:

City Clerk

NOT ADOPTED this _____ day
of _____, 2019.

Mayor