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ORDINANCE NO. 3551

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 43, WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY, ARTICLE IV, STORMWATER, DIVISION 1, GENERALLY, SECTION 43-404, STORMWATER CHARGE; EXEMPTIONS, AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

SECTION 1. That the Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal and Stormwater Quality, Article IV, Stormwater, Division 1, Generally, Section 43-404, Stormwater Charge; exemptions, is hereby amended to read as follows:

Sec. 43-404. Stormwater charge; exemptions.

(a) There shall be and there is hereby established a stormwater charge which shall be billed monthly with the other city utilities. The stormwater charge shall be a minimum of two dollars and forty-two cents (\$2.42) per month per account. The deposit requirement, late charges and penalties as are now or may be established in the future for utility service shall also apply to the stormwater charge. The payment of the stormwater charge shall be governed by the same ordinances as the payment of the other city utilities.

(b) The stormwater charge shall be based on a rate of two dollars and forty-two cents (\$2.42) for each Equivalent Service Unit (ESU) assigned to a lot, tract, or parcel of real estate wherein the ESU is an average area of impervious surface material on a residential non-residential parcel. One (1) ESU shall be defined as two thousand eight hundred sixty square feet (2,860 ft²) of impervious area. Fees shall be calculated as follows:

(1) Residential Property. Residential property with three (3) or fewer dwelling units per lot, tract, or parcel within the corporate limits of the City is hereby assigned one ESU for each developed lot, tract, or parcel of record with the County Clerk, the resulting service charge being two dollars and forty-two Cents (\$2.42) for each such lot, tract, or parcel.

(2) All Other Real Estate. The impervious surface of all other lots, tracts, or parcels of developed real estate within the corporate limits of the City shall be measured to determine the Equivalent Service Units to be assigned to such lots, tracts, or parcels; and the service charge shall be two dollars and forty-two cents (\$2.42) for each Equivalent Service Unit or portion thereof.

Mobile home parks or manufactured home parks shall be billed as stated above unless each pad has its own water meter, in which case each account shall be billed a minimum of one (1) ESU or two dollars and forty-two cents (\$2.42) per month per account.

(3) There are no caps on the monthly service charge rate.

1 (4) The stormwater rates shall be reviewed at least annually and shall be adjusted
2 accordingly. Beginning May 1, 2025, and each subsequent year thereafter, the
3 stormwater charge rates will be adjusted annually by the average monthly increase in
4 the Consumer Price Index, U.S. City Average for all Urban Consumers, Water Sewer
5 Trash Collection, Not Seasonally Adjusted. (Published by the United States Bureau of
6 Labor Statistics, Consumer Price Index) (the "CPI") during the twelve (12) most
7 recently published months. In the event U.S. Department of Labor, Bureau of Labor
8 Statistics ceases to publish this particular CPI, an equally authoritative measure of
9 change in purchasing power of the U.S. dollar may be substituted as approved by the
10 city manager. The annual CPI adjustment will be implemented by May 1st of each
11 year.

12 (c) The stormwater charge shall not be imposed on the following types of property:

- 13 (1) City, state and federal roads, bridges, highways, streets and rights-of-way;
- 14 (2) City parks, city buildings, city facilities and open spaces owned or operated by the city;
- 15 or
- 16 (3) Undeveloped parcels of land.

17 (d) All proceeds from the stormwater charge shall be deposited into the fund.

18 (e) The provision for collection provided herein, shall be in addition to any other rights or
19 remedies that the city may have under the laws of the State of Oklahoma.

20 (f) Any person who considers the charges applicable to his/her parcel to be inaccurate or
21 erroneous may request review thereof by the Public Works Director or designee.

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23 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
24 repealed.
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26 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
27 any reason held to be invalid, such decision shall not affect the validity of the remaining
28 provisions of the ordinance.
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31 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
32 Oklahoma, this 26 day of March, 2024.

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ATTEST:

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THE CITY OF MIDWEST CITY, OKLAHOMA

[Signature]
MATTHEW D. DUKES, II, Mayor

[Signature]
SARA HANCOCK, City Clerk

1 Approved as to form and legality this 1st day of April, 2024.

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5 DON MAISCH, City Attorney

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