

ORDINANCE NO. 3552

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 43, WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY, ARTICLE 1, IN GENERAL; SECTION 43-3, DEFINITIONS; ARTICLE II, WATER; DIVISION 1, GENERALLY; SECTIONS 43-18, INSTALLATION FEES; METER INSTALLATION, ETC; DIVISION 3, METERS; SECTION 43-52, GENERALLY; ARTICLE III, SEWERS AND SEWAGE DISPOSAL; DIVISION 1, GENERALLY; SECTION 43-107, UNLAWFUL DISCHARGES; PENALTY; SECTION 43-115, RECREATIONAL VEHICLES (R.V.'S) DISPOSAL STATION; DIVISION 3, PRIVATE SEWAGE DISPOSAL SYSTEMS; SECTION 43-138, PERMIT AND INSPECTION; SECTION 43-142, ADDITIONAL REQUIREMENTS OF HEALTH OFFICER; DIVISION 4, BUILDING SEWERS AND CONNECTIONS GENERALLY; SECTION 43-152, MULTIPLE USE OF BUILDING SEWER; SECTION 43-157, CONNECTION TO PUBLIC SEWER, TAPPING REGULATIONS AND SADDLE SPECIFICATIONS; DIVISION 6, FATS, OILS, AND GREASE CONTROL REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS; SECTION 43-188, DEFINITIONS; SECTION 43-189, APPLICABILITY AND PROHIBITIONS; AND SECTION 43-191, GENERAL INTERCEPTOR REQUIREMENTS; DESIGN, SIZE AND LOCATION; 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, Sewers, Sewage Disposal and Stormwater Quality, Article 1, In General, Section 43-3 Definitions, is hereby amended to read as follows:

**Sec. 43-3. Definitions.**

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

*Best management practices* means the best available practices or devices that, when used singly or in combination, eliminate or reduce the contamination of surface and/or ground waters.

*City* shall mean the City of Midwest City, Oklahoma, a municipal corporation, and the duly authorized officers or agents of the City of Midwest City.

*Clean Water Act* means the Federal Water Pollution Control Act, as amended, codified at 33 USC § 1251, et seq., and any amendment or addition thereto.

*Commercial* means property devoted in whole or in part to commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example but not of limitation, the following businesses: amusement

1 establishments, animal clinics or hospitals, automobile service stations, new or used  
2 automobile dealerships, automobile car washes, automobile and vehicular repair shops,  
3 banking establishments, beauty and barber shops, bowling alleys, bus terminals and  
4 repair shops, camera shops, dental offices or clinics, day care centers, department  
5 stores, drug stores, funeral homes, furniture stores, gift shops, grocery stores, hardware  
6 stores, hotels, jewelry stores, laboratories, laundries and dry cleaning establishments,  
7 liquor stores, medical offices and clinics, motels, movie theaters, office buildings, paint  
8 stores or shops, parking lots, produce markets, professional offices, radio stations,  
9 repair establishments, retail stores, restaurants and similar establishments serving  
10 prepared food and beverages, rooming houses, shopping centers, stationary stores,  
11 television stations and production facilities, and theaters.

12 Commercial dwelling unit means any suite, office, unit, or part of a commercial or  
13 industrial building or structure with its own front door that provides complete,  
14 independent facilities for a tenant or building owner, eg. Individual businesses with  
15 separate front entrances in a strip mall or industrial park.

16 *Community waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs,  
17 ponds, drainage systems, springs, wetlands, wells and other bodies of surface or  
18 subsurface water, natural or artificial, lying within or forming a part of the boundaries  
19 of the city or the waters into which the sample of stormwater runoff resulting from the  
20 combination of individual samples taken at selected intervals based on an increment of  
21 either flow or time stormwater system outfalls flow.

22 *Confidential information* means a document or information regarding or describing a  
23 process, product or information that has been determined by the manager to be  
24 confidential or has been declared by a court of competent jurisdiction to be exempt  
25 from disclosure to third parties under the Oklahoma Open Records Act and any  
26 amendment or supplement thereto.

27 *Construction activity* means clearing, grading, mining and excavation activities except  
28 operations that result in disturbance of less than one (1) acre of total land area and that  
29 are not part of a larger common plan of development or sale.

30 *Construction stormwater discharge permit* means a permit issued by the city that  
31 establishes controls to the maximum extent practicable to effectively prohibit non-  
32 stormwater discharged from a construction site to enter the municipal storm sewer  
33 system and, where necessary, contains applicable water quality-based controls.

34 *Cosmetic cleaning* means any system, machine or substance used to remove undesirable  
35 substances from any surface or facade creating free foreign matter.

36 *Days* means calendar days.

37 *Department* means the Department of Public Works of the City of Midwest City.

38 *DEQ* means the Oklahoma Department of Environmental Quality.

39 *Director* means the director of the department of public works of the City of Midwest  
40 City or the person succeeding to his duties and functions by whatever name known, or  
41 his/her duly authorized deputy, agent or designated representative.

1        *Discharge* means to cause or allow to throw, drain, release, dump, spill, empty, emit or  
2        pour any pollutants or harmful quantity of any substance into the municipal storm  
3        sewer system or into the waters of the United States.

4        *Discharger* means any person who causes, allows, permits or is otherwise responsible for  
5        a discharge including, without limitation, any operator of a construction site or  
6        industrial facility; the owner/operator of any commercial, residential or agricultural  
7        property; or the owner/operator or transporter of any source of discharge.

8        *Domestic sewage* means human excrement, gray water (from home clothes washing,  
9        bathing, showers, dish washing or food preparation), other wastewater from household  
10       drains and waterborne waste normally discharged from the sanitary conveniences of  
11       dwellings (including apartments and hotels), office buildings, factories or commercial  
12       properties and institutions that is free from industrial waste.

13       *Environmental Protection Agency or EPA* means the U.S. Environmental Protection  
14       Agency or, where appropriate, the term may also be used as a designation for the  
15       Regional Water Management Division Director or other duly authorized official of said  
16       agency.

17       *Erosion and sediment control plan* means a written plan, including drawings or other  
18       graphic representations, for the control of soil erosion and sedimentation resulting from  
19       a land disturbing activity.

20       *Fund* means the stormwater management fund.

21       *Garbage* means putrescible animal and vegetable waste materials from the handling,  
22       preparation, cooking or consumption of food, including waste materials from markets,  
23       storage facilities and the handling and sale of produce and other food products; ashes,  
24       street cleanings, dead animals, abandoned automobiles and other solid waste other than  
25       industrial waste.

26       *General OPDES permit* means a general OPDES permit for stormwater discharges  
27       associated with construction activity issued by the DEQ.

28       *Harmful quantity* means the amount of any substance that will cause pollution of waters  
29       of the state, or that will cause lethal or sub-lethal adverse effects on representative,  
30       sensitive fathead minnows Pimephales Promelas, bacteria Photobacterium  
31       Phosphoreum or daphnids Ceriodaphnia Dubia belonging to the city upon their  
32       exposure to samples of any discharge into the municipal storm sewer system,  
33       community waters or waters of the state.

34       *Hazardous substance* means any substance listed in Table 302.4 of 40 CFR Part 302 and  
35       any amendment or addition thereto.

36       *Hazardous waste* means any substance identified or listed as a hazardous waste by the  
37       EPA pursuant to 40 CFR Part 261.

38       *Illicit discharge* means any intentional discharge to the municipal storm sewer system  
39       that is not composed entirely of stormwater, except discharges pursuant to any NPDES  
40       permit, or discharges resulting from fire fighting activities.

41       *Impervious surface* means any hard-surfaced area that prevents or retards the entry of  
42       water into the soil in the manner and to the extent that such water entered the soil under

1 natural conditions, causing water to run off the surface in greater quantities or at an  
2 increased rate of flow than was present under natural conditions such as, but not limited to,  
3 to, roof tops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways,  
4 patio areas, storage areas, and gravel, bituminous substances or other surfaces which  
5 similarly affect the natural infiltration or runoff patterns of real property in its natural  
6 state.

7 *Industrial means* a business engaged in industrial production or service, that is a business  
8 characterized by manufacturing or productive enterprise or a related service business.  
9 This term shall include, by way of example but not of limitation, the following: apparel  
10 and fabric finishers, blast furnace, blueprint and related shops, boiler works, cold  
11 storage plants, contractors' plants and storage facilities, foundries, furniture and  
12 household good manufacturing, forge plants, greenhouses, junk yards, manufacturing  
13 plants, metal fabricating shops, ore reduction facilities, planning mills, rock crushers,  
14 rolling mills, saw mills, smelting operations, stockyards, stone mills or quarries, textile  
15 production, utility transmission or storage facilities, warehousing and wholesaling  
16 facilities.

17 *Industrial activity means* any activity that is directly related to manufacturing, processing  
18 or raw materials storage areas at an industrial facility. The term includes, but is not  
19 limited to, industrial plant yards; immediate access roads and rail lines used or traveled  
20 by carriers of raw materials, manufactured products, waste material or by-products used  
21 or created by the industrial facility sites where material handling activities are  
22 performed, refuse sites; sites used for the applications or disposal of process  
23 wastewaters; sites used for the storage and maintenance of material handling  
24 equipment; sites used for residual treatment, storage or disposal; shipping and receiving  
25 areas; manufacturing buildings; storage areas (including tank farms) for raw materials,  
26 and immediate and finished products.

27 *Industrial facility means* a premises whose function is classified in the latest edition of  
28 the Standard Industrial Classification Manual (United States Office of Management and  
29 Budget).

30 *Industrial stormwater discharge permit means* a permit, issued by the city, regulating  
31 regular discharges from facilities which may control any conveyance that is used for  
32 collecting and conveying stormwater and that is directly related to material storage  
33 areas at an industrial plant.

34 *Industrial waste means* any waterborne liquid or solid substance that results from any  
35 process of industrial, manufacturing, mining, production, trade or business activities.

36 *Institutional means* an established organization, especially of a charitable or public  
37 character. This term shall include, by way of example but not of limitation, the  
38 following: churches, community buildings, colleges, day care facilities, dormitories,  
39 drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses  
40 and driving ranges, government buildings, hospitals, libraries, kindergartens or  
41 preschools, nursing homes, mortuaries, schools, social agencies, synagogues, parks and  
42 playgrounds.

43 *Land disturbing activity means* any land change that may result in soil erosion from water  
44 and/or wind, and the movement of sediments into community waters or onto lands and

1 roadway within the community including, but not limited to, clearing, dredging,  
2 grading, excavating, transporting, stockpiling, mining and filling of land.

3 *Manager* means the person designated by the city to supervise the operation of the  
4 stormwater quality management division and the stormwater management system, and  
5 who is charged with certain duties and responsibilities by this article [article IV of this  
6 chapter], or his duly authorized representative.

7 *Material handling* activities means the storage, loading and unloading, transportation or  
8 conveyance of any raw material, immediate product, finished product, by-product or  
9 waste product.

10 *Monitoring* shall mean the performance of stormwater flow measurements, stormwater  
11 sampling, sample analysis and like procedures necessary to determine compliance with  
12 the applicable permit.

13 *Motor vehicle fluid* means any vehicle crankcase oil, antifreeze, transmission fluid, brake  
14 fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend and any other  
15 fluid used in, or from within, a motor vehicle.

16 *Multifamily residential* means an apartment building or other residential structure built  
17 for three (3) or more family units, mobile home parks with three (3) or more units or  
18 lots under common ownership, and condominiums of three (3) or more units.

19 *Municipal separate storm sewer system or MS4* means the system of conveyances  
20 (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,  
21 ditches, manmade channels or storm drains) owned or regulated by the city and  
22 designed or used for collecting or conveying stormwater, and which is not used for  
23 collecting or conveying sewage.

24 *National Pollutant Discharge Elimination System (NPDES) permit* means a permit, and  
25 any addition or amendment thereto, issued to the city by EPA (or by the state under  
26 authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of  
27 pollutants to the waters of the United States.

28 *Notice of intent or NOI* means a written notice by a discharger or potential discharger to  
29 the superintendent that the person wishes his discharge to be authorized under a general  
30 permit authorized by state law or regulation.

31 *Notice of termination or NOT* means a written notice by a discharger to the  
32 superintendent that the permitted project has seventy (70) percent revegetation of all  
33 bare areas and all soil disturbing activities are concluded, allowing the termination of  
34 the permit issued under this section, or the discharger is no longer the operator of the  
35 facility and another has assumed the responsibility and obtained an NOI.

36 *Oil* means any kind of oil in any form including, but not limited to, petroleum, fuel oil,  
37 crude oil or any fraction thereof that is liquid at standard conditions of temperature and  
38 pressure, sludge, oil refuse and oil mixed with waste.

39 *OPDES* means Oklahoma Pollution Discharge Elimination System Act, 27 O.S. § 2-201  
40 et seq., and any amendment or addition thereto.

41 *Owner/operator* means the person, firm, organization or any other entity, or its  
42 representative, that either individually or together meet the following (2) two criteria;

- 1 a. It has operational control over the site specifications (including the ability to make  
2 modifications in the specifications);
- 3 b. It has the day-to-day operational control of those activities at the site necessary to  
4 ensure compliance with plan requirements and permit conditions (e.g., is authorized to  
5 direct (workers at the site to carry out activities identified in the plan).
- 6 *Permit* means a license to conduct an activity, which is regulated by the Clean Water Act  
7 or this article [article IV of this chapter].
- 8 *Person* means any individual, partnership, co-partnership, firm, company, corporation,  
9 association, joint stock company, trust, estate, governmental entity or any other legal  
10 entity, or a legal representative, agent or assign. The masculine gender shall include the  
11 feminine and the singular shall include the plural where indicated by the context. This  
12 definition includes all federal, state or local governments.
- 13 *Pollutant* means any dredge spoil, solid waste, incinerator residue, oil, grease, sewage,  
14 garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste,  
15 biological materials, radioactive materials, heat, wrecked or discarded equipment, rock,  
16 sand, cellar dirt, agricultural and industrial waste, and characteristics of the wastewater  
17 (i.e., pH, temperature, total suspended solids, turbidity, color, biochemical oxygen  
18 demand, chemical oxygen demand, toxicity, odor).
- 19 *Pollution prevention plan* means a written site specific plan to eliminate or reduce and  
20 control the pollution of stormwater through designed facilities, sedimentation ponds,  
21 natural or constructed wetlands, and best management practices.
- 22 *POTW* means publicly owned treatment works.
- 23 *Premises* means any plot or tract of ground, regardless of size or plat, owned by a person,  
24 or used by a person and any contiguous plots.
- 25 *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging,  
26 injecting, escaping, leaching, dumping or disposing into the municipal storm sewer  
27 system, community waters, waters of the state or waters of the United States.
- 28 *Rubbish* means nonputrescible solid waste, excluding ashes, that consists of:
- 29 a. Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture,  
30 rubber, plastics, yard trimmings, leaves and similar materials; and
- 31 b. Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans,  
32 metal furniture and any other materials that do not burn at ordinary incinerator  
33 temperatures (1,600° F to 1,800° F).
- 34 *Sanitary sewer* means the system of pipes, conduits and other conveyances that carry  
35 industrial waste and domestic sewage from residential dwellings, commercial buildings,  
36 industrial and manufacturing facilities and institutions, whether treated or untreated, to  
37 a sewage treatment plant or POTW (and to which stormwater, surface water and  
38 groundwater are not intentionally admitted).
- 39 *Service station* means any retail establishment engaged in the business of selling fuel for  
40 motor vehicles that is dispensed from stationary storage tanks.
- 41 *Sewage* means industrial and/or domestic waste.

1           *SIC code* means Standard Industrial Classification Code of Executive Office of the  
2           President of the United States, Office of Management and Budget.

3           *Significant spills* means, but is not limited to, releases of oil or hazardous substances in  
4           excess of reportable quantities under the Clean Water Act or the Comprehensive  
5           Environmental Response, Compensation and Liability Act, and any amendment or  
6           addition thereto.

7           *Solid waste* means any garbage, rubbish and refuse, and sludge from a waste treatment  
8           plant, water supply treatment plant or air pollution control facility, and other discarded  
9           material, including solid, liquid, semi-solid or contained gaseous material resulting  
10          from or incidental to industrial, municipal, commercial, mining and agricultural  
11          operations, and from community, recreational or institutional activities.

12          *Spills* means any release that, in the opinion of the superintendent, negatively impacts the  
13          quality of water within or discharges from the city's municipal storm sewer system or  
14          causes damaging or deleterious effects to the city's municipal storm sewer system  
15          including all of its structures or appurtenances, and/or waters to the storm sewers.

16          *State* means the State of Oklahoma.

17          *Stormwater* means any precipitation runoff, surface runoff and drainage related to rain,  
18          storm events or snow melt.

19          *Stormwater charge* means the fees levied within the boundaries of the city for the use of  
20          the stormwater drainage system.

21          *Stormwater drainage system* means any facility, structure, improvement, development,  
22          equipment, property or interest therein, or other structural or nonstructural element  
23          made, constructed, used or acquired for the purpose of collecting, containing, storing,  
24          conveying and controlling stormwater wherever located including, but not limited to,  
25          storm sewers, curbs, street drains, conduits, natural and manmade channels, pipes,  
26          culverts and detention ponds whether public or private.

27          *Stormwater management* means the collection, conveyance, storage, treatment and  
28          disposal of stormwater runoff in a manner to meet the objectives of this article [article  
29          IV of this chapter] and its terms including, but not limited to, measures that control the  
30          increased volume and rate of stormwater runoff and water quality impacts caused by  
31          manmade changes to the land.

32          *Stormwater management plan* means the set of drawings and other documents that  
33          comprise all of the information and specifications for the programs, drainage systems,  
34          structures, best management practices, concepts and techniques for the control of  
35          stormwater and which is incorporated as part of the NPDES permit for the city, and as  
36          part of this article [article IV of this chapter].

37          *Stormwater management program or program* means the overall strategy and framework  
38          for the stormwater management activities of the city.

39          *Stormwater runoff* means that portion of any precipitation that is drained into the  
40          stormwater drainage system.

41          *Superintendent* means the City of Midwest City's Utilities Superintendent or his/her  
42          designated representative.

1            *Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in 40  
2            CFR Part 401 promulgated by the EPA under the provisions of 33 U.S.C. § 1317 and  
3            any amendment or addition thereto.

4            *Uncontaminated* means not containing a harmful quantity of any substance.

5            *Used oil* means any oil that has been refined from crude oil or a synthetic oil that, as a  
6            result of use, storage or handling, has become unsuitable for its original purpose  
7            because of impurities or the loss of original properties, but may be suitable for further  
8            use and is recyclable in compliance with state and federal law.

9            *User* means any source of direct or indirect discharge to the municipal storm sewer  
10           system; the occupant or the owner/operator of any real estate; and the owner/operator of  
11           any impervious surface or improvement and/or other person or entity benefiting from  
12           the stormwater drainage system.

13           *Utilities* means a television, electric, gas, water, sanitary and storm sewer, cable TV or  
14           other company or legal or government entity that provides service to the public.

15           *Variance* means the modification of the minimum stormwater management requirements  
16           contained in this article [article IV of this chapter] and the stormwater management  
17           plan for specific circumstances where strict adherence to the requirements would result  
18           in unnecessary hardship and not fulfill the intent of this article [article IV of this  
19           chapter].

20           *Wastewater* means any water or other liquid, other than uncontaminated stormwater,  
21           discharged from a facility.

22           *Waters of the state* means any groundwater, percolating or otherwise, lakes, bays, ponds,  
23           impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets and  
24           canals, inside the territorial limits of the state, and all other bodies of surface water,  
25           natural or artificial, navigable or nonnavigable, and including the beds and banks of all  
26           watercourses and bodies of surface water, that are wholly or partially inside or  
27           bordering the state or inside the jurisdiction of the state.

28           *Waters of the United States* means all waters that are currently used, were used in the past  
29           or may be susceptible to use in the future in interstate or foreign commerce including  
30           all waters that are subject to the ebb and flow of the tide; all interstate waters, including  
31           interstate wetlands; all other waters the use, degradation or destruction of which would  
32           affect interstate or foreign commerce; all impoundments of waters otherwise defined as  
33           waters of the United States under this definition; all tributaries of waters identified in  
34           this definition; all wetlands adjacent to waters identified in this definition and any  
35           waters within the federal definition of "Waters of the United States" at 40 CFR § 122.2;  
36           but not including any wastewater treatment systems, treatment ponds or lagoons  
37           designed to meet the requirements of the Clean Water Act.

38           *Water quality* means those characteristics of stormwater runoff that relate to the physical,  
39           chemical, biological or radiological integrity of water.

40           *Wetland* means an area that is inundated or saturated by surface or groundwater at a  
41           frequency and duration sufficient to support, and that under normal circumstances does



1 support, a prevalence of vegetation typically adapted for life in saturated soil  
2 conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

3 (b) The following abbreviations shall have the designated meanings:

4 (1) CFR shall stand for Code of Federal Regulations.

5 (2) USC shall stand for United States Code.  
6

7 **SECTION 2.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
8 Disposal and Stormwater Quality, Article II, Water, Division 1, Generally, Section 43-18,  
9 Installation fees; meter installation, etc. is hereby amended to read as follows:  
10

11 **Sec. 43-18. Installation fees; meter installation, etc.**

12 (a) The fees for installation of water service and meter shall be as determined on a schedule  
13 of fees provided by the public works director or designee prior to July 1st of each  
14 calendar year or, as the cost of materials and labor increase or decrease, the schedule  
15 shall be revised to reflect the increases or decreases in cost as necessary, after approval  
16 by the council. Fees for connection to the water system and installation or purchase of a  
17 water meter shall be paid at the time the building permit is issued. All meters shall be  
18 furnished and installed by the city.

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

24 (c) In general, the required meter shall be the same size as the service lines. The meter shall  
25 not exceed the size of the service line (i.e., one and one-half (1½) inch meter on a one-  
26 inch service line).

27 (d) In all cases where meters, meter boxes, transmitters, antennae, or related equipment are  
28 lost, damaged or broken by carelessness or negligence of the property owner, or anyone  
29 working for or under the general supervision of the property owner, they shall be  
30 replaced or repaired by or under the direction of the environmental services director and  
31 the cost will be levied to the property owner. During construction, the builder shall be  
32 charged with the care and protection of the meter and related equipment, water lines and  
33 meter boxes. If the meter or related equipment, water lines, or meter boxes are broken or  
34 damaged, it shall be prima facie negligence of the builder. The items shall be replaced or  
35 repaired by or under the direction of the environmental service director and the cost will  
36 be levied to the builder. The city shall be responsible only for the proper functioning and  
37 registry of the water meter.

38 (e) All commercial dwelling units will be required to be connected to a dedicated water  
39 meter providing water solely to said facility. Water meter(s) shall be installed to serve  
40 each commercial dwelling unit in a manner as to not disrupt or interfere with any other  
41 tenants' water supply. Water supply to commercial dwelling units shall remain separate.  
42 Tenants that occupy more than one commercial dwelling unit shall maintain separate

1 water accounts and plumbing to ensure the continued separation of each commercial  
2 dwelling unit's utilities.

3 Existing structures and/or those that have new construction/remodel plans approved prior  
4 to the effective date of March 28, 2024, that allow multiple commercial dwelling units to  
5 operate through a master water meter shall be required to install individual water meters  
6 to each commercial dwelling unit when a remodel exceeds fifty (50%) of the definition of  
7 a Level 3 alteration as defined in the City's International Building Code as adopted by  
8 reference in Chapter 9, for said commercial dwelling unit as calculated cumulatively over  
9 the life of the commercial dwelling unit and/or includes modifications to the commercial  
10 dwelling unit's plumbing. Water supply to all commercial dwelling units shall remain  
11 separate. Tenants that occupy more than one commercial dwelling unit shall maintain  
12 separate water accounts and plumbing to ensure the continued separation of each  
13 commercial dwelling unit's utilities.

- 14 (f) All multi-family residential properties will be required to install individual water meters  
15 to each multi-story building for apartment complexes or to each dwelling unit for multi-  
16 family residential structures with three (3) or more dwelling units.

17 Existing multi-family residential structures and/or those that have new  
18 construction/remodel plans approved prior to the effective date of March 28, 2024, that  
19 allow multiple residential dwelling units to operate through a master water meter shall be  
20 required to install individual water meters to each multi-story building, and/or to each  
21 single story multi-family building containing more than three (3) dwelling units, and/or to  
22 each dwelling unit for single story multi-family buildings containing three (3) or less  
23 dwelling units when a remodel exceeds fifty (50%) of the assessed value for the multi-  
24 story building and/or dwelling unit as calculated cumulatively over the life of the  
25 dwelling unit and/or includes modifications to the dwelling unit's plumbing.

26  
27 **SECTION 3.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
28 Disposal and Stormwater Quality, Article II, Water, Division 3, Meters, Section 43-52, Generally  
29 is hereby amended to read as follows:

30 **Sec. 43-52. Generally.**

- 31 (a) All meters installed or inspected by the city shall be and remain the property of the city and  
32 will not be removed unless the use of the water on the premises is to be entirely stopped or  
33 the service connections discontinued. In all cases where meters, transmitters, antennae or  
34 any related equipment are lost, damaged or broken by carelessness or negligence of the  
35 owner or occupant of the premises, or anyone working for or under the general supervision  
36 of the property owner or occupant, they shall be replaced or repaired by or under the  
37 direction of the environmental services director and the cost levied against the owner or  
38 occupant. The owner or occupant shall be charged with the care and protection of the meter  
39 and related equipment, water lines and meter boxes. If the meter or related equipment, water  
40 lines or meter boxes are broken or damaged, it shall be prima facie negligence of the  
41 property owner or occupant; and the city shall be responsible only for the proper  
42 functioning and registry of the water meter.

1 (b) It shall be an offense for any property owner or occupant, to obstruct or allow the  
2 obstruction, in any manner, of access to the property's meter for inspection or repair by the  
3 city. "Obstruct" or "obstruction" as used herein shall include, but shall not be limited to,  
4 parking automobiles, trailers, boats or other vehicles over meters, planting shrubs over or  
5 allowing shrubbery to cover meters, or placing any trash or debris over or allowing any  
6 trash or debris to cover the meter, in such a manner that prevents access to the meter for  
7 inspection or repair by the city.  
8  
9

10 **SECTION 4.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
11 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 1, Generally,  
12 Section 43-107, Unlawful discharges; penalty is hereby amended to read as follows:  
13

14 **Sec. 43-107. Unlawful discharges; penalty.**

15 It shall be unlawful to dispose of any substance in any amount in or near a sanitary or storm  
16 sewer access point or to any natural outlet within the city. All new or changes of ownership of  
17 non-residential sewer users shall be required to accurately complete a Sewer Survey prior to the  
18 first sanitary sewer discharge to the POTW. All current users shall accurately complete a Sewer  
19 Survey by December 31, 2026.

20 Any person convicted of violating this section shall be punished by a fine of not more  
21 than two hundred dollars (\$200.00), plus court costs, or by imprisonment for not more than  
22 thirty (30) days or by both such fine and imprisonment. Each day that any violation of this  
23 section occurs or continues shall constitute a separate offense and shall be punishable as a  
24 separate violation.  
25

26 **SECTION 5.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
27 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 1, Generally,  
28 Section 43-115, Recreational vehicles (R.V.'s) disposal station is hereby amended to read as  
29 follows:  
30

31 **Sec. 43-115. Recreational vehicles (R.V.'s) disposal station.**

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

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

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

4 (d) Disposal sites shall be installed and maintained in accordance with Chapter 9. The pad shall  
5 be constructed in such a manner that drainage from roofs or water runoffs shall not enter the  
6 disposal opening. Such opening shall be watertight when not in use and be fitted with a foot  
7 operated flush valve. Potable water shall be made available through a frost free plug for  
8 cleaning of the disposal station after use.

9 (e) Disposal station shall be subject to inspection by Midwest City plumbing inspector and/or  
10 Line Maintenance official.

11 (f) Transient R.V. waste shall only be disposed of at an approved disposal station.  
12

13 43, DIVISION 3. – PRIVATE SEWAGE DISPOSAL SYSTEMS

14 Footnotes:

15 ---(6)---

16 Cross reference –9-372 On-Site Sewage Treatment System

17 **SECTION 6.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
18 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 3, Private  
19 Sewage Disposal Systems, Section 43-138, Permit and inspection is hereby amended to read as  
20 follows:  
21

22 **Sec. 43-138. Permit and inspection.**

23 Before commencement of construction of an on-site sewage treatment system, the owner  
24 shall first submit a registration request to the Chief Building Official according to Sec. 9-372 On-  
25 Site Sewage Treatment System and pay the associated fees.  
26

27 **SECTION 7.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
28 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 3, Private  
29 Sewage Disposal Systems, Section 43-142, Additional requirements of health officer is hereby  
30 repealed and placed into Reserve:  
31

32 **Sec. 43-142. Reserved**  
33

34 **SECTION 8.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
35 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 4, Building  
36 Sewers and Connections Generally, Section 43-152, Multiple use of building sewer is hereby  
37 amended to read as follows:

1

2 **Sec. 43-152. Multiple use of building sewer.**

3 (a) A separate and independent building sewer shall be provided for every building; except  
4 where one building stands at the rear of another on an interior lot and no private sewer is  
5 available or can be constructed to the rear building through an adjoining alley, court, yard  
6 or driveway, the building sewer from the front building may be extended to the rear  
7 building and the whole considered as one building sewer.

8 (b) All new commercial dwelling units shall be required to be connected to the sanitary  
9 sewer system via a dedicated sewer service line exiting the unit. All service lines shall  
10 comply with Chapter 9 of the City Code. Additionally, a sample port as described in 43-  
11 191 shall be installed before any manifold or combination of service lines prior to  
12 connection to the POTW.

13 Existing structures and/or those that have new construction/remodel plans approved prior  
14 to effective date of March 28, 2024, that allow multiple commercial dwelling units to  
15 operate through a single sewer service shall be required to install individual sewer  
16 services exiting the structure from each commercial dwelling unit when a remodel  
17 exceeds fifty (50%) of the definition of a Level 3 alteration as defined in the City's  
18 International Building Code as adopted by reference in Chapter 9, f or the commercial  
19 dwelling unit as calculated cumulatively over the life of the commercial dwelling unit  
20 and/or includes modifications to the commercial dwelling unit's plumbing. Sewer  
21 services to all commercial dwelling units shall remain separate to a point beyond a  
22 sample port (as described in 43-191), directional cleanout(s), and backflow prevention  
23 device. Tenants that occupy more than one commercial dwelling unit shall maintain the  
24 individual sewer service plumbing to ensure the continued separation of each commercial  
25 dwelling unit's utilities.

26 (c) New and/or remodeled facilities that operate an in-ground grease interceptor shall install  
27 samples ports as required in 43-191.

28

29 **SECTION 9.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
30 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 4, Building  
31 Sewers and Connections Generally, Section 43-157, Connection to public sewer, tapping  
32 regulations and saddle specifications is hereby amended to read as follows:  
33

34 **Sec. 43-157. Connection to public sewer, tapping regulations and saddle specifications.**

35 (a) Whenever no wye or tee presently exists on a main sewer line and a building and/or  
36 house is to be constructed, a special fitting called a saddle is to be utilized to make the  
37 connection. The spigot's end shall be specifically shaped to fit snugly against a hole

1 cut into the mainline. These saddles shall be sealed with epoxy cement and/or secured  
2 to the line with stainless steel bands.

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

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

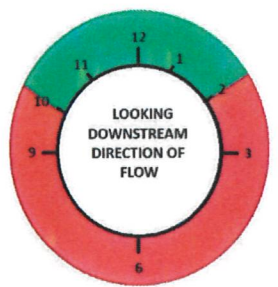
14 (d) The contractor may make the cut into the main for the installation of the saddle only  
15 if he possesses the proper equipment to make the tap; otherwise, the city work crew  
16 shall make the tap and install the saddle.

17 (e) The opening shall be fully dressed to fit the saddle by gentle trimming with small  
18 dressing tools. All pipe chips, etc., must be removed from the bottom of the dry  
19 mainline. If the saddle is being installed on a line already in use, some means must be  
20 provided to prevent the chips, etc., from entering the sewer line.

21 (f) Only tapping saddles approved by the Line Maintenance official shall be allowed.  
22 Insert tee and flexible tapping saddle shall not be allowed.

23 (g) The saddle, wye, tee, or other lateral connections (including the seal between the  
24 lateral connection and the POTW main) shall remain private infrastructure and the  
25 responsibility of the property owner to maintain.

26 (h) All lateral connections shall be located between the 10 o'clock and 2 o'clock position  
27 on the POTW main.



28  
29  
30

1 **SECTION 10.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
2 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 6, Fats, Oils  
3 and Grease Control Requirements for Commercial Establishments, Section 43-188, Definitions is  
4 hereby amended to read as follows:  
5

6 **Sec. 43-188. Definitions.**

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

9 *Approved haulers list* means a list of all waste haulers approved by the city to operate within  
10 the public owned treatment works' (POTW's) collection area or city limits.

11 *Bypass* means any overflow of any amount from a private or POTW collection system.

12 *Chronic violator* means a person or facility with a pattern of neglect or disregard that results in  
13 the same or similar repeated violations during a floating twenty-four-month period.

14 *Decanting* means the practice of returning wastewater back into the grease interceptor,  
15 oil/water separator, grinder device, grit trap, or any part of the sanitary sewer after it is  
16 removed.

17 *Domestic user* means a user of the sanitary sewer system that an individual(s) occupies as a  
18 residential premises and is not categorized as a facility.

19 *Facility* means a commercial business that generates and discharges FOG (fats, oils, and  
20 greases), waste oil, grit, other petroleum waste, wipes, or any debris larger than one-half (½)  
21 inch into the city's POTW, i.e. restaurants, automobile service, hotels, apartment complex,  
22 nursing homes, assisted living centers, etc.

23 *FOG* means fats, oils, and greases in any amount.

24 *Generator* means any person(s) or facility who owns or operates a grease interceptor, oil/water  
25 separator, or whose act or process produces a FOG waste, wipes or debris larger than one-half  
26 (½) inch, and discharges into the POTW.

27 *Grease interceptor or interceptor*, means any device, no matter the capacity, that is designed to  
28 use differences in specific gravities to separate and retain light density liquids, waterborne fats,  
29 oils and greases or designed to collect settleable solids, generated by and from food preparation  
30 activities, prior to the wastewater entering the POTW.

31 *Grinder* means a mechanical device used to shred solid substances to pieces less than one-half  
32 (½) inch in any dimension.

33 *New facility* means a newly constructed facility and/or the remodeling and/or expansion of an  
34 existing facility.

1 *Nondomestic user* means any user other than domestic users.

2 *Notice to comply* means a document issued to the responsible party that either requests  
3 additional information needed to determine compliance with their permit and/or this Code, or  
4 serves as a notice to correct a minor violation of their permit and/or this Code.

5 *Notice of violation* means a document issued to the responsible party when they have violated  
6 their permit and/or this Code.

7 *Oil/water separator* means any device that separates the sand, oil and other types of grit from  
8 the wastewater before it enters the POTW.

9 *Public owned treatment works ("POTW")* means a treatment works, as defined by Section 212  
10 of the Act (33 U.S.C. § 1292), which is owned by the city. This definition includes any devices  
11 or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or  
12 industrial wastes of a liquid nature and any conveyances, which convey wastewater to the  
13 treatment plant.

14 *Public works director* means the director of public works or designee.

15 *Reclamation system* means a series of tanks or basins and filters that renders water reusable.

16 *Responsible party* means a person(s) or corporation who controls, manages, and or directs a  
17 facility.

18 *Transporter* means any hauler that removes the contents and cleans any grease trap/interceptor  
19 or oil/water separator.

20 *Twenty-five (25) percent rule* means when the floating grease and bottom sludge combine to  
21 displace at least one-quarter ( $\frac{1}{4}$ ) of the tanks total liquid depth, or the liquid depth of any single  
22 chamber of the interceptor.

23

24 **SECTION 11.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
25 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 6, Fats, Oils  
26 and Grease Control Requirements for Commercial Establishments, Section 43-189, Applicability  
27 and prohibitions is hereby amended to read as follows:

28

29 **Sec. 43-189. Applicability and prohibitions.**

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

31 (1) Grease interceptors, oil/water separators, grit traps, and/or grinder devices shall not be  
32 required for domestic users.

33 (2) Facilities generating FOG as a result of food manufacturing, processing, preparation or  
34 service shall install, use and maintain appropriate grease interceptors. These facilities  
35 include, but are not limited to, restaurants, food manufacturers, food processors,



1 hospitals, hotels, motels, prisons, nursing homes, churches, day cares and any other  
2 facility preparing, serving or otherwise making any foodstuff available for  
3 consumption.

4 (3) Facilities generating and/or collecting automotive/petroleum oil, grease, sand, grit and  
5 other types of waste as a result of automotive servicing and repair shall install, use and  
6 maintain an oil/water separator and/or grit trap. These facilities include, but are not  
7 limited to, car washes, automotive repair shops, tractor/trailer repair shops, car  
8 dealerships and any other facility that maintains, repairs or washes any type of  
9 motorized vehicles.

10 (4) No user may intentionally or unintentionally allow the direct or indirect discharge of  
11 any petroleum oil, non-biodegradable cutting oil, mineral oil, gasoline, kerosene, FOG,  
12 wipes, any debris larger than one-half (½) inch, or any other chemicals into the POTW.  
13 Nor shall it be allowed to violate any technically based local limits (TBLLs) as  
14 established in section 43-274, local limits.

15 (5) Garbage disposals shall not be permitted in commercial or industrial establishments.

16  
17 **SECTION 12.** That the Midwest City Municipal Code, Chapter 43, Water, Sewers, Sewage  
18 Disposal and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 6, Fats, Oils  
19 and Grease Control Requirements for Commercial Establishments, Section 43-191, General  
20 interceptor requirements; design, size and location is hereby amended to read as follows:  
21

22 **Sec. 43-191. General grease interceptor requirements; design, size and location.**

23 (a) All new or remodeling facilities that produce FOG shall complete an EPA grease  
24 interceptor sizing sheet, or equivalent determination method, and provide the information  
25 used to complete the sizing determination method to Midwest City Line Maintenance. A  
26 minimum of one thousand (1,000) gallons or engineer approved equivalent in-ground  
27 grease interceptor shall be required. A minimum one thousand five hundred (1,500)  
28 gallon interceptor shall be required for all shell structures that may accommodate FOG  
29 contributors. If an existing facility has a smaller grease interceptor in use, the facility  
30 shall submit to a complete facility and process review. The findings of this review will  
31 include all required actions that may include, but not limited to, the installation of  
32 additional or higher capacity interceptor(s). All grease interceptors installed will conform  
33 to this Code and the current International Plumbing Code adopted by the city.

34 (b) All new or remodeled facilities that generate and discharge waste oil, grit and other  
35 petroleum waste will be required to install grit traps with a minimum five hundred (500)  
36 gallon capacity and oil/water separators of one thousand (1,000) gallon capacity or larger  
37 in accordance with this Code. If an existing facility has a smaller oil/water separator or  
38 grit trap in use it shall submit to a complete facility and process review. The findings of  
39 this review will include all required actions that may include, but are not limited to, the  
40 installation of an additional or larger trap(s), and/or separators. All grit traps and oil/water

1 separators installed will conform to this Code and the current International Plumbing  
2 Code adopted by the city.

- 3 (c) All in-ground grease interceptors that exceed a fifty (50) gallon per minute designed flow  
4 rating or any chain series of interceptor shall be installed with two (2) single directional  
5 clean-outs facing away from the interceptor, one (1) before the interceptor and one (1) after  
6 the backwater valve, within the clean-out requirements of the current International  
7 Plumbing Code adopted in Chapter 9. Additionally, a sample port with an opening of twelve  
8 (12) inches or larger shall be installed after the point of no further treatment but before the  
9 backwater valves. For further backwater valve requirements, see Chapter 9, buildings and  
10 building regulations, article VI, plumbing.
- 11 (d) All in ground interceptors shall be installed with two (2) single directional clean-outs facing  
12 away from the interceptor, one (1) before the interceptor and one (1) after the backwater  
13 valve, within the clean-out requirements of the current International Plumbing Code.  
14 Additionally, a sample port with an opening of twelve (12) inches or larger shall be installed  
15 after the point of no further treatment but before the backwater valves. For further  
16 backwater valve requirements, see chapter 9, buildings and building regulations, article VI,  
17 plumbing.
- 18 (e) All in ground interceptors, oil/water separators, grit traps, clean-outs, backwater valve and  
19 sampling ports shall have all required lids above grade. The final elevation of the lids and  
20 the surrounding area will ensure that all rain and runoff is directed away from the lids,  
21 additional influent and inflow prevention measures may be required. Interceptors, lids,  
22 boxes, vaults, clean out access or other related components that are installed in an improved  
23 surface shall be traffic rated at a minimum of H-20.
- 24 (f) All grease interceptors, oil/water separators, grit traps, and grinder pumps shall be inspected  
25 and approved by Midwest City Line Maintenance before being placed into service.
- 26 (g) A variance request to this Code can be submitted to the pretreatment coordinator on the  
27 variance request form. The request will be assessed on a case by case basis, approval or  
28 denial of the request will be returned to the applicant in writing and will be considered final.  
29 The variance is non-transferrable and may be revoked as needed.

30  
31 **Section 13. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby  
32 repealed.  
33

34 **Section 14. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for  
35 any reason held to be invalid, such decision shall not affect the validity of the remaining  
36 provisions of the ordinance.  
37

38 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
39 Oklahoma, this 26 day of March, 2024.  
40  
41  
42  
43  
44

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

ATTEST: THE CITY OF MIDWEST CITY, OKLAHOMA



*Sara Hancock* *Matthew D. Dukes, II*

SARA HANCOCK, City Clerk

MATTHEW D. DUKES, II, Mayor

Approved as to form and legality this *27<sup>th</sup>* day of *March*, 2024.

*Don Maisch*

DON MAISCH, City Attorney