

ORDINANCE NO. 3568

AN ORDINANCE AMENDING STILLWATER CODE OF ORDINANCES CHAPTER 35, "STORMWATER QUALITY AND MANAGEMENT," ARTICLE I, "IN GENERAL," SECTION 35-1, "DEFINITIONS"; CHAPTER 35, "STORMWATER QUALITY AND MANAGEMENT," ARTICLE II, "DRAINAGE AND SEDIMENTATION," DIVISION 1, "GENERALLY," SECTION 35-25, "IMPAIRMENT OF DRAINAGE FACILITIES"; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA,

SECTION 1: That the definition of "Drainage Facilities" in Stillwater City Code, Chapter 35, "Stormwater Quality and Management," Article I, "In General," Section 35-1, "Definitions" is amended to read as follows:

Sec. 35-1. Definitions.

Drainage facilities means all elements necessary to store, control, and/or convey stormwater runoff. Drainage facilities shall consist of ~~both public and private~~ storm sewers (closed conduits), channels, watercourses, sedimentation facilities, areas covered by ~~restricted~~ drainage easements for the purpose of providing overland flow and all appurtenances to the foregoing, including, but not limited to, inlets, manholes, junction boxes, headwalls, dissipaters, culverts, detention facilities and the like.

SECTION 2: That the Stillwater City Code, Chapter 35, "Stormwater Quality and Management," Article II, "Drainage and Sedimentation," Division 1, "Generally," Section 35-25, "Impairment of Drainage Facilities" is amended to read as follows:

Sec. 35-25. Impairment of drainage facilities.

- (a) Dumping or placing any material, whether temporary or permanent, within a drainage facility ~~in a drainage easement or within the stormwater flow line of a drainage facility that is not in an easement shall be~~ is prohibited ~~and a violation of this article~~. The owner of the property shall be responsible for any material that has been ~~willfully~~ dumped or placed in a drainage facility.
- (b) A property owner ~~shall's failure to~~ repair and maintain a drainage facility that was specifically designed and installed to control stormwater runoff from that property or other properties designated in an approved drainage plan to a standard allowing it to perform its designed and intended purpose ~~shall be prohibited and a violation of this article~~.

- (c) Drainage facilities will remain unobstructed at all times and will be maintained by the property owner in a safe and sanitary condition, free of trash, garbage, rubbish, debris, sediment, brush, vegetation, and any substance which would result in unsanitary conditions or obstruct the flow of water. The City of Stillwater shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The City of Stillwater will not be responsible for the maintenance or operation of said drainage facility, or for any damage to private property or person that results from conditions in the drainage facility, or for the control of erosion.
- (d) In the event a property owner does not properly maintain or repair a drainage facility in accordance with the City of Stillwater ordinances and regulations, the City of Stillwater has the right, but not the obligation, to enter upon the drainage easement at any point, or points, to investigate, survey or to erect, construct, maintain and/or repair any drainage facility, conduct repairs or supervise the work of others deemed necessary, as solely determined by the City of Stillwater.
- (e) In the event that the property owner fails to properly operate or maintain drainage facilities such that a negative stormwater quality or quantity impact to the municipal separate storm sewer system, any watercourse of the city, any waters of the state or United States or stormwater drainage systems or receiving streams either on the subject property or on off-site properties occurs or is imminent, the City of Stillwater may order compliance with this section by written notice of violation (NOV) to the property owner in accordance with Section 35-55 of this chapter.

SECTION 3: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 portion of this Ordinance.

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF MAY, 2025.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 19TH DAY OF MAY, 2025.

KIMBERLY CARNLEY, CITY ATTORNEY

First Read: 5/5/2025
Second Read: 5/19/2025