

ORDINANCE NO. 3907

AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES, CHAPTER 21 – STREETS AND SIDEWALKS – SECTION 21-12 – ALLOWING CONSTRUCTION MATERIALS TO SPILL ONTO PUBLIC WAYS; REPLACING ENTIRE SECTION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION 1. Amendment.

That Chapter 21, Streets and Sidewalks, Section 21-12, “Allowing construction materials to spill onto public ways,” of the Broken Arrow Code of Ordinances is hereby amended by adding a new section:

§ 21-12. Allowing construction materials to spill onto public ways; Concrete delivery; deposit, containment, cleanup, and enforcement.

(a) Purpose and intent.

To protect public streets, sidewalks, alleys, the public right-of-way, and the municipal Stormwater system from concrete residue and wash water, and to ensure safe, clean construction operations.

(b) Definitions.

1. “Concrete” means cement concrete and any cementitious mixture, including mortar, grout, and concrete slurry.

2. “Concrete wash water” means water or liquid slurry resulting from washing or rinsing concrete mixers, chutes, hoppers, tools, or equipment.

3. “Effective containment” means any operational method, device, or combination thereof that prevents concrete, slurry, or concrete wash water from discharging, spilling, dripping, tracking, or otherwise entering the public right-of-way or Stormwater system. Examples include, without limitation, a chute-closure device, catch pan or bin, drip tray, lined containment, vacuum recovery, or functionally equivalent capture systems.

4. “Public right-of-way” (ROW) includes any public street, roadway, alley, sidewalk, curb, gutter, ditch, storm drain, inlet, or other publicly maintained way or appurtenance open to public use.

5. “Stormwater system” means the City’s municipal separate storm sewer system, including streets, gutters, storm drains, inlets, ditches, channels, and other conveyances owned or operated by the City for collecting or conveying stormwater.

(c) Prohibited deposits and discharges.

It is unlawful for any person to discharge, deposit, spill, drop, allow to escape, or track concrete, concrete slurry, concrete wash water, or other construction materials upon or into

any public street, alley, sidewalk, or other portion of the public ROW, or into the Stormwater system.

(d) Containment during delivery and cleanup.

When concrete is delivered to, from, or within a site and a truck chute, hopper, or similar equipment is used within, from, or over the public ROW, the operator shall implement effective containment to prevent any discharge, spill, drip, or overflow of concrete, slurry, or wash water to the ROW or Stormwater system. Nothing in this section shall be construed to require any motor vehicle to be equipped with any device other than as required by state law; compliance may be achieved by any operational method that provides effective containment.

(e) Washout and housekeeping.

Concrete washout shall occur only in a designated containment area on private property or as otherwise authorized by permit and shall not occur in or discharge to the public ROW or Stormwater system. Dry-brooming or flushing materials into gutters, inlets, or ditches is prohibited.

(f) Immediate cleanup; notice.

Any person responsible for a discharge or deposit under this section shall immediately cease the discharge and promptly remove and lawfully dispose of all materials. If any concrete, slurry, or wash water enters a storm drain, inlet, ditch, channel, or watercourse, the person responsible shall immediately notify the Stormwater Division of the Engineering Department and follow all directions for containment and cleanup.

(g) City abatement and cost recovery.

If the person responsible fails to promptly clean and remediate as required, the City may abate the condition and recover all actual costs of response, cleanup, disposal, repair of public infrastructure, administrative expenses, and overhead from the responsible person or entity. Costs are in addition to any penalties and may be collected as provided elsewhere in this Code, including assessment and lien procedures where applicable.

(h) Enforcement and penalties.

A violation of this section is a civil offense punishable by civil penalties as provided in this Code. Each separate act and each day a violation continues constitutes a separate offense. Violations may also be enforced through permit suspension or revocation, stop-work orders, and any other remedies available at law or in equity.

(i) Cumulative remedies; no conflict with state law.

The remedies in this section are cumulative of Chapter 25 Stormwater Management and state law prohibiting loss of load to public ways. This section regulates operations within the public ROW and does not impose vehicle equipment requirements preempted by state law.

SECTION II. Severability.

If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION III. Emergency Clause.

It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED and the clause ruled upon separately this 24th day of March, 2026.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:



ASSISTANT CITY ATTORNEY