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Ordinance No. \_\_\_\_\_

**AN ORDINANCE RELATING TO STREET DEVELOPMENT FEES; AMENDING CHAPTER 50 – STREETS AND SIDEWALKS, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY REPEALING IN ITS ENTIRETY SECTION 50-14 – STREETS DEVELOPMENT FEES; AND ENACTING A NEW SECTION 50-14 – STREETS DEVELOPMENT FEES IN ARTICLE I – IN GENERAL; TO CREATE STREET DEVELOPMENT FEES AND PROCEDURES RELATING TO THEIR ASSESSMENT, SETTING FORTH LAND USE CATEGORIES AND ASSOCIATED FEES, SETTING FORTH EXPENDITURE REQUIREMENTS FOR FEES COLLECTED UNDER THIS SECTION, CREATING ACCOUNTING PROCEDURES AND SERVICE AREAS FOR COLLECTION AND EXPENDITURE OF FEES, CREATING THE DEVELOPMENT FEE PANEL AND RELATED PROCEDURES; AND AMENDING CHAPTER 60 – GENERAL SCHEDULE OF FEES, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING TITLE 50 – STREETS AND SIDEWALKS, ARTICLE I – IN GENERAL, BY REPEALING SECTION 60- 50-1 – STREETS DEVELOPMENT FEES, IN ITS ENTIRETY; AND ENACTING A NEW SECTION 60-50-1 – STREETS DEVELOPMENT FEES; TO CREATE STREET DEVELOPMENT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ORDINANCE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:**

**SECTION 1.** That Section 50-14 of Article I, of Chapter 50 of the Oklahoma City Municipal Code, 2020, as amended, is hereby repealed in its entirety.

**SECTION 2.** That Section 50-14 of Article I, of Chapter 50 of the Oklahoma City Municipal Code, 2020, is hereby enacted to read as follows:

## **CHAPTER 50 - STREETS AND SIDEWALKS**

### **ARTICLE I. - IN GENERAL**

#### **§ 50-14. - Streets development fees.**

**(a) Title.**

This section shall be known, cited and referred to as the “Streets Development Fees Ordinance.”

**(b) Definitions.**

The City hereby adopts streets development fees. As used in this Section 50- 14:

- (1) *Benefit Area* – see “Service Area.”
- (2) *Customer-Oriented Low* means those developments containing one of the land uses or classes of land uses categorized as "customer-oriented low" in the Streets Development Fee Land Use Categories Table.
- (3) *Customer-Oriented Moderate* means those developments containing one of the land uses or classes of land uses categorized as "customer-oriented moderate" in the Streets Development Fee Land Use Categories Table.
- (4) *Customer-Oriented High* means those developments containing one of the land uses or classes of land uses categorized as "customer-oriented high" in the Streets Development Fee Land Use Categories Table and all customer-oriented land uses not specifically included in Customer-Oriented Low or Customer-Oriented Moderate.
- (5) *Design* means all non-physical activities to prepare all or part of a public infrastructure system for construction, including planning and preliminary activities such as engineering and other activities and analyses, including but not limited to: environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, and general estimates of the types and quantities of materials, and other work needed to establish parameters for the streets public infrastructure system.
- (6) *Developer* means a person or entity that constructs or contracts for the construction of a development.
- (7) *Development* means any improvement to real property to which square feet of development, as defined in this Section 50-14, is constructed or added.
- (8) *Development fee* means any payment of money imposed, in whole or in part, as a condition of approval of any building permit, certificate of occupancy, plat approval, or zoning change, to the extent the fee is to pay for public infrastructure systems that are attributable to new development or to expanded or modified development.
- (9) *Development Services Director* means the Director of the Oklahoma City Development Services Department or their designee.
- (10) *Expanded or modified development* is one in which the expansion or modification results in an increased demand or increased impact upon the public infrastructure system as compared to the demand or impact prior to the expansion or modifications.
- (11) *Horizontal Mixed-Use* – see “Mixed-Use Development” below.
- (12) *Industrial* means those developments containing one of the land uses or classes of land uses categorized as "industrial" in the Streets Development Fee Land Use Categories Table.
- (13) *Institutional* means those developments containing one of the land uses or classes of land uses categorized as "institutional" in the Streets Development Fee Land Use Categories Table.
- (14) *Lodging* means those developments containing one of the land uses or classes of land uses categorized as "lodging" in the Streets Development Fee Land Use Categories Table.
- (15) *Mixed-Use Development* means an eligible development that includes more than one use in an application for building permit or zoning approval, including the following:
  - a. the incorporation of more than one land use type within a single structure (i.e., a building with retail uses on the ground floor, and offices or residential on the upper floors)(“vertical mixed-use”), or
  - b. a similar set of uses organized in close proximity and planned as a unified

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complimentary whole on a single site (“horizontal mixed-use”).

(16) *Office* means those developments containing one of the land uses or classes of land uses categorized as "office " in the Streets Development Fee Land Use Categories Table.

(17) *Planning Director* means the Director of the Oklahoma City Planning Department or their designee.

(18) *Public infrastructure system* includes any real property improvement, fixture, or accession that is included within the street systems, including roads, streets, boulevards, bridges, sidewalks, bicycle routes, drainage, traffic signals and systems, traffic control devices and signage, traffic calming devices, landscaping associated with street rights-of-way, and any local components of county, state, or federal highways to the extent and to the proportionate cost that the local components are not funded by city, state or federal grants or other city, state or federal permanent funding sources.

(19) *Public infrastructure system costs* means capital improvements that have a projected useful life of at least ten (10) years or more, and that result in an increase or expansion to the functional service capacity of that public infrastructure system.

(20) *Public Works Director* means the Director of the Oklahoma City Public Works Department or their designee.

(21) *Residential* means those developments containing one of the land uses or classes of land uses categorized as "residential" in the Streets Development Fee Land Use Categories Table.

(22) *Service area* means a geographic area defined by the City in which the streets public infrastructure system provides service to developments. Streets service areas, also referred to as service areas, are established and set forth on the Streets Service Areas Map in Chapter 60, the General Schedule of Fees.

(23) *Square feet of development* means the cumulative number of square feet of additional gross building floor area of development (new, expanded or modified) as determined from the exterior of each floor of all roofed structures(s) in the development. Parking structures, garages and other roofed accessory structures including sheds, patios, canopies and porches constructed as part of developments are not included in gross building floor area measurements.

(24) *Streets Development Fee Land Use Categories Table* means Table 50-14.1, subsection (c) below.

(25) *Streets Development Fee Study* means the study prepared by TischlerBise titled *Streets Development Fee Study* dated August 12, 2025, and incorporated in this Section by reference.

(26) *Transit-Oriented Development* or “*TOD*” means an eligible development located proximate to a transit system, as further described by subsection (c)(6)(e) below.

(27) *Vertical Mixed-Use* – see “mixed-use,” above.

(28) *Warehousing / Distribution* means those developments containing one of the land uses or classes of land uses categorized as "warehousing/distribution" in the Streets Development Fee Land Use Categories Table.

### (c) **Fee Imposition.**

#### (1) *Applicability.*

a. The City will assess new developments and expanded or modified existing developments a development fee for capital improvement costs for increases or expansion to the capacity of public infrastructure systems attributable to that development.

b. Streets development fees will continue to be collected until the City Council declares by ordinance that the public infrastructure system for the streets system is fully funded and that expanded or modified development will have no additional impact on the

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streets public infrastructure system.

c. The City may terminate collection of streets development fees at any time by formal repeal of this ordinance.

(2) *Schedule.* A schedule specifying the streets development fee for various land uses per square feet of development is established in Chapter 60, the General Schedule of Fees.

(3) *Form of Assessment.* Assessments of streets development fees shall be in writing and a copy shall be provided to the developer and property owner(s) affected. The developer will provide the names and addresses of the property owner(s). The assessment will specify the purpose of the development fee, the service area for which the development fee is being collected, the basis for calculation of the development fee, and the amount of the development fee.

(4) *Building Permit.*

a. The developer or building permit applicant must pay and the City will collect the streets development fees at the time of and as a pre-condition to issuing a building permit and any supplemental building permits.

b. Streets development fees must be paid at the time of the issuance of a building permit or supplemental building permit for the development or the building permit or supplement will not be issued. No development may be constructed until a building permit is issued.

(5) *Deferral.* The permit applicant may request and the Development Services Director may grant a deferral of the payment of the streets development fees until the time of the issuance of the certificate of occupancy. However, the streets development fees must be paid prior to issuance of the certificate of occupancy at the then current rate.

(6) *Calculation.*

a. The streets development fees for each development will be determined and calculated based upon the square feet of development as defined in this Section 50-14, the streets development fee Service Area and Assessment Area Classifications as set forth on the Development Fee Assessment Areas and Service Areas Maps in Chapter 60, the General Schedule of Fees, the rate per square foot of development as set forth in Chapter 60, General Schedule of Fees, and the land use(s) of the development in this Section 50-14. For a development with multiple land uses (as defined in this Section 50-14), the square feet of development will be determined for each land use and the development fees will be the cumulative total of all square feet of development for each land use within the development. The fee amounts in Chapter 60, General Schedule of Fees, are based on the Streets Development Fee Study.

b. The land use categories applicable to developments for purposes of determining the streets development fees are established in Table 50-14.1 (Land Use Categories Table). The land use categories in Table 50-14.1 are described in the Institute of Transportation Engineers, *Trip Generation Manual* (11th Edition, 2021) (the “Trip Generation Manual”), which is incorporated by reference and made a part of this section 50-14.

c. If a development is within more than one assessment area category then the Development Services Director will apportion the square feet of development among the assessment area categories based upon the location of the severable areas of the development.

**Table 50-14.1 Land Use Categories**

| (A)                                                  | (B)      | (C)                 | (D)           |
|------------------------------------------------------|----------|---------------------|---------------|
| Land Use Category                                    | ITE Code | Mixed-Use Eligible? | TOD Eligible? |
| <b>Residential</b>                                   |          |                     |               |
| Single-Family Detached Housing                       | 210      | Y(R)                | Y             |
| Apartment                                            | 220      | Y(R)                | Y             |
| Low-Rise Apartment                                   | 221      | Y(R)                | Y             |
| High-Rise Apartment                                  | 222      | Y(R)                | Y             |
| Residential Condominium/Townhouse                    | 230      | Y(R)                | Y             |
| Mobile Home Park                                     | 240      | Y(R)                | Y             |
| Senior Adult Housing-Detached                        | 251      | N                   | N             |
| Senior Adult Housing-Attached                        | 252      | N                   | N             |
| Congregate Care Facility                             | 253      | N                   | N             |
| Assisted Living                                      | 254      | N                   | N             |
| Continuing Care Retirement Community                 | 255      | Y(R)                | Y             |
| Residential Planned Unit Development                 | 270      | Y(R)                | Y             |
| <b>Industrial</b>                                    |          |                     |               |
| General Light Industrial                             | 110      | Y(E)                | Y             |
| Industrial Park                                      | 130      | Y(E)                | N             |
| Manufacturing                                        | 140      | Y(E)                | Y             |
| <b>Warehousing/Distribution</b>                      |          |                     |               |
| Warehousing                                          | 150      | N                   | N             |
| Mini Warehouse (Self-Storage)                        | 151      | N                   | N             |
| High-Cube Transload and Short-Term Storage Warehouse | 154      | N                   | N             |
| High-Cube Fulfillment Center Warehouse               | 155      | N                   | N             |
| <b>Lodging</b>                                       |          |                     |               |
| Hotel (per room)                                     | 310      | Y(C)                | Y             |
| Motel (per room)                                     | 320      | Y(C)                | Y             |
| <b>Office</b>                                        |          |                     |               |
| General Office                                       | 710      | Y(E)                | Y             |
| Corporate Headquarters                               | 714      | Y(E)                | Y             |
| Single Tenant Office Building                        | 715      | Y(E)                | Y             |
| Government Office Building                           | 730      | Y(E)                | Y             |
| State Motor Vehicles Department                      | 731      | Y(E)                | Y             |
| Office Park                                          | 750      | Y(E)                | Y             |
| Research & Development Center                        | 760      | Y(E)                | Y             |
| Business Park                                        | 770      | Y(E)                | Y             |
| <b>Institutional</b>                                 |          |                     |               |
| Junior/Community College                             | 540      | Y(E)                | Y             |
| University/College                                   | 550      | Y(E)                | Y             |
| Hospital                                             | 610      | Y(E)                | Y             |
| Clinic                                               | 630      | Y(E)                | Y             |

**Table 50-14.1 Land Use Categories**

| (A)                                                   | (B)      | (C)                        | (D)              |
|-------------------------------------------------------|----------|----------------------------|------------------|
| Land Use Category                                     | ITE Code | Mixed-<br>Use<br>Eligible? | TOD<br>Eligible? |
| Medical-Dental Office                                 | 720      | Y(E)                       | Y                |
| <b>Customer-Oriented Low</b>                          |          |                            |                  |
| Recreational Community Center                         | 495      | Y(C)                       | Y                |
| Building Materials & Lumber Store                     | 812      | N                          | N                |
| Hardware/Paint Store                                  | 816      | Y(C)                       | N                |
| Factory Outlet Center                                 | 823      | Y(C)                       | Y                |
| Car Sales                                             | 841      | N                          | N                |
| Tire Store                                            | 848      | N                          | N                |
| Tire Superstore                                       | 849      | N                          | N                |
| Discount Club                                         | 861      | Y(C)                       | Y                |
| Discount Home Furnishing Superstore                   | 869      | Y(C)                       | N                |
| Furniture Store                                       | 890      | Y(C)                       | N                |
| Automobile Care Center                                | 942      | N                          | N                |
| <b>Customer-Oriented Moderate</b>                     |          |                            |                  |
| Daycare Center                                        | 565      | Y(C)                       | Y                |
| Government Office Complex                             | 733      | Y(C)                       | Y                |
| Free-Standing Discount Superstore (Includes Grocery)  | 813      | Y(C)                       | Y                |
| Specialty Retail Center (Small Strip Shopping Center) | 814      | Y(C)                       | Y                |
| Free-Standing Discount Store                          | 815      | Y(C)                       | Y                |
| Nursery (Garden Center)                               | 817      | Y(C)                       | N                |
| Nursery (Wholesale)                                   | 818      | N                          | N                |
| Shopping Center                                       | 820      | Y(C)                       | Y                |
| Automobile Parts Sales                                | 843      | Y(C)                       | Y                |
| Home Improvement Superstore                           | 862      | Y(C)                       | Y                |
| Electronics Superstore                                | 863      | Y(C)                       | Y                |
| Apparel Store                                         | 876      | Y(C)                       | Y                |
| Arts & Crafts Store                                   | 879      | Y(C)                       | Y                |
| Quick Lubrication Vehicle Shop                        | 941      | N                          | N                |
| <b>Customer-Oriented High</b>                         |          |                            |                  |
| Movie Theater                                         | 444      | Y(C)                       | Y                |
| Multiplex Movie Theater                               | 445      | Y(C)                       | Y                |
| Library                                               | 590      | Y(C)                       | Y                |
| U.S. Post Office                                      | 732      | Y(C)                       | Y                |
| Supermarket                                           | 850      | Y(C)                       | Y                |
| Convenience Market (Open 24 Hours)                    | 851      | Y(C)                       | Y                |
| Discount Supermarket                                  | 854      | Y(C)                       | Y                |
| Pharmacy/Drugstore without Drive-Through              | 880      | Y(C)                       | Y                |
| Pharmacy/Drugstore with Drive-Through                 | 881      | N                          | N                |
| Drive-in Bank                                         | 912      | Y(C)                       | N                |
| Quality Restaurant                                    | 931      | Y(C)                       | Y                |
| High Turnover (Sit-Down) Restaurant                   | 932      | Y(C)                       | Y                |

**Table 50-14.1 Land Use Categories**

| (A)                                        | (B)      | (C)                 | (D)           |
|--------------------------------------------|----------|---------------------|---------------|
| Land Use Category                          | ITE Code | Mixed-Use Eligible? | TOD Eligible? |
| Fast Food Restaurant without Drive-Through | 933      | Y(C)                | Y             |
| Fast Food Restaurant with Drive-Through    | 934      | N                   | N             |

Notes to Column (C):

- “Y” means that the gross floor area of the use qualifies as dwelling units or floor area for a mixed-use development. For purposes of this table, the gross floor area (not rooms) are used to determine whether a development qualifies as a mixed-use development in subsection “d” below. “(R)” refers to residential land uses, “(E)” refers to employment land uses, and “(C)” refers to commercial land uses.
- “N” means that the gross floor area of the use does not qualify for consideration as part of a mixed-use development.

Notes to Column (D):

- “Y” means that the gross floor area of the use qualifies as dwelling units or floor area for a transit-oriented development.
- “N” means that the gross floor area of the use does not qualify for consideration as part of a transit-oriented development.

d. *Reduction for Mixed-Use Development.* Development fees calculated for a mixed-use development are reduced by twenty-nine percent (29%). The following criteria are required to qualify as a mixed-use development:

1. *Applicability.* Table 50-14.1 (Land Use Categories Table) indicates whether the gross floor area of a use is eligible for consideration as part of a mixed-use development for purposes of this Section. Table 50-14.1 has no bearing on whether the use is eligible for approval under Chapter 59 of the Municipal Code, but only whether it is considered for purposes of reducing streets development fee amounts. Only new construction that requires a building permit qualifies for the mixed-use reduction. Drive-through buildings do not count toward the required land use distribution for mixed-use development.

2. *Land Use Distribution.* To qualify for the mixed-use reduction, the following land use distribution requirements must be met, calculated on the basis of gross floor area:

- Residential Requirement.* At least thirty percent (30%) of the total gross floor area must consist of residential (R) uses as identified in Table 50-14.1. This requirement applies to all mixed-use developments.
- Residential Cap.* No more than sixty percent (60%) of the total gross floor area may consist of residential (R) uses for horizontal mixed-use developments or developments combining horizontal and vertical mixed-use, and no more than eighty percent (80%) for vertical mixed-use developments.

- c. *Non-Residential Requirement.* At least forty percent (40%) of the total gross floor area must consist of eligible non-residential uses for horizontal mixed-use developments or developments combining horizontal and vertical mixed-use, and at least twenty percent (20%) for vertical mixed-use developments. In both cases, the non-residential portion must include at least one commercial (C) use and at least one employment (E) use as identified in Table 50-14.1.
- d. *Vertical Mixed-Use Ground Floor.* In a vertical mixed-use development, at least fifty percent (50%) of the ground floor gross floor area must consist of eligible non-residential uses as identified in Table 50-14.1.
- e. *Excluded Uses.* Uses marked 'N' in column (C) of Table 50-14.1 do not count toward any of the thresholds in this subsection.

3. *Phasing.* Impact fee discounts for mixed-use development shall apply only when building permits have been issued for all land uses required to qualify for the discount. The first land use permitted shall be charged at the full impact fee rate. When a subsequent building permit is issued that satisfies the required land use mix, the applicant shall receive a credit against the fees due for that permit equal to the total mixed-use discount, including the discount applicable to previously permitted land uses. Credits shall not exceed the fees due at the time the subsequent permit is issued. No refunds shall be issued. All building permits required to qualify for the mixed-use discount must be issued within ten (10) years of the first permit, or the discount shall be forfeited.

4. *Site Plan.* All development shall be contiguous and shown on a site plan that designates the floor area and square footage of each land use within each building that is subject to the site plan. A continuous network of sidewalks or pedestrian paths shall connect all residential uses and non-residential uses that are used in the calculations above. All Residential land uses shall be located within 1,000 feet (measured in a straight line) of all Commercial and Employment land uses, and all Commercial land uses shall be located within 1,000 feet (measured in a straight line) of all Employment land uses (see notes to Table 50-14.1 above).

e. *Reduction for Transit-Oriented Development.* Streets development fees calculated for a transit-oriented development are reduced by fifteen percent (15%). This reduction is in addition to any reductions for a mixed-use development (see subsection d, above), except to the extent that the development uses non-residential gross floor area that does not qualify as transit-oriented in Table 50-14.1. The following criteria are required to qualify as a transit-oriented development:

1. Table 50-14.1 (Land Use Categories Table) indicates whether the gross floor area of a use is eligible for consideration as part of a transit-oriented development for purposes of this Section. Table 50-14.1 has no bearing on whether the use is eligible for approval under Chapter 59 of the Municipal Code, but only whether it is considered for purposes of reducing streets development fee amounts.

2. A continuous network of sidewalks or pedestrian paths shall connect the development to a boarding location.

3. The development shall be located within 1,320 feet (i.e., 1/4 mile or a typical walking distance) of a boarding location for a bus rapid transit, or fixed-rail transit system such as a streetcar or light rail system. This distance is measured along the shortest path between demarcation points that can be lawfully traveled by foot along the public right-of-way. The “demarcation points” mean: (1) for the development, any publicly

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accessible entry, or an entry to a dwelling unit (as defined by the City's adopted building code), and (2) for the transit system's boarding location, the nearest edge of a transit shelter or the closest public entry to a transit station.

f. *Trip Reduction Discount.* The amount of Development Fees due shall be reduced up to 15% for any development where at the time of application for reduction an accepted traffic impact study is provided by the Developer that is compliant with subsection (f)(2)(d) below, which demonstrates that the Development will reduce the vehicle trips from those specified for the corresponding use in the most recent edition of the Institute of Transportation Engineers Trip Generation Manual, for reasons other than being a Mixed-Use Development and/or Transit-Oriented Development as defined in this section, to one of the following:

|                           |                               |
|---------------------------|-------------------------------|
| 5 to 9% trip reduction:   | 5% development fee reduction  |
| 10 to 14% trip reduction: | 10% development reduction     |
| 15% or > trip reduction:  | 15% development fee reduction |

The applicant may apply for an increased reduction by seeking an appeal or modification of the fee pursuant to subsection (f).

g. *Reductions cumulative.* Reductions identified in subsections (C)(6)(d) to (C)(6)(f) above are cumulative.

### (7) *Demand Increments*

a. The square feet of development is established by comparing the cumulative number of square feet of gross building floor area of the entire development existing at the time of the effective date of this section 50-14 based upon existing building permits and the cumulative number of square feet of gross building floor area of the entire development to exist after completion of the work. The City may verify and correct any calculation of square feet of development after completion of the work and prior to the issuing a certificate of occupancy.

b. If a demolition permit is obtained and all or a portion of an existing development is razed, then the number of square feet of development razed as indicated on the City demolition permit is not included in the cumulative number of square feet of additional gross floor areas subject to the streets development fees. However, no credit or refund will be issued if the new development is smaller than the previous development that was demolished.

c. The developer must present, at the time of obtaining a building permit, official City documentation such as prior building permit(s) or demolition permit(s), necessary to establish previously existing gross floor area of development. If the developer does not have that documentation, the developer shall provide other documentation, as may be required by the Development Services Director, to provide clear and convincing evidence of the number of square feet of development constructed or razed in accordance with City ordinances, permits and procedures.

### (3) *Certificate of Occupancy and Correction of Fee Imposition*

a. Prior to issuing an occupancy permit, the City may compare the gross floor area of development as actually constructed and the gross floor area of development as

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authorized in the building permit. The City may verify and correct any calculation of square feet of development after completion of the work and any determination of use prior to the issuance of a certificate of occupancy.

b. If the gross floor area of development as constructed exceeds the gross floor area of development as authorized in the building permit, or if the use of the development is different than in the building permit application, the developer or property owner must obtain a supplement to the building permit and any additional streets development fees must be paid prior to the issuance of the certificate of occupancy.

c. For any streets development fee deferred until issuance of the certificate of occupancy, payment of such streets development fees shall be a pre-condition of the certificate of occupancy. Such fee shall include any additional streets development fee due for any supplemental building permit as provided above, at the streets development fees in effect at the time of the issuance of the certificate of occupancy or any supplemental permit, respectively.

d. The building permit applicant has the same right to appeal the additional streets development fees under the same time limitations, requirements and procedures as set forth in Subsection (f) below.

e. No refund of streets development fees will be issued as a result of the failure of the building permit applicant to construct all of the square feet of development authorized in the building permit. However, the subject property will be credited for the development fee payment received.

### **(d) Expenditure of Fees.**

(1) *Generally.* Development fees are hereby imposed to recover, reimburse or fund the streets public infrastructure system expansion expenditures and costs, including, but not limited to, the cost of real property interest acquisitions, rights-of-ways, capital improvements, design, construction, inspection, and capital improvement construction administration.

#### *(2) Permitted Expenditures.*

a. Development fees may only be used to fund refurbishments, alterations, or improvements to existing public infrastructure systems if such refurbishments, alterations, or improvements, result in an increase or expansion in the functional service capacity of the streets system available to serve new or expanded existing growth in the applicable service area(s).

b. The City may invest public resources in public infrastructure system costs in anticipation of development, recover those public resources through proportional reimbursement payments from development fees equal to the total cost of the public investment in those public infrastructure system costs, and subsequently expend the proceeds from those reimbursement payments for any purpose determined by the City.

(3) *Prohibited Expenditures.* Development fees may not be used to fund repairs, maintenance, restorations, or fixes to existing public infrastructure systems.

#### *(4) Earmarking*

a. Streets development fees are held in an interest-bearing account in accordance with City investment policies and practices.

b. Interest earned in a streets development fund collected from a service area shall only be spent for public infrastructure system costs that expand or increase the functional service capacity of the public infrastructure system in that service area encompassing the development from which the funds were collected.

c. If a development spans more than one service area, the interest earned on

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development fees will be expended proportionately in the respective service area to pay all or a portion of the public infrastructure system costs to increase or expand the functional service capacity of the public infrastructure system in that service area(s).

(5) *Accounting.* Development fees are dedicated and restricted revenues and therefore require accounting for development proceeds as restricted funds. Interest earned on development fees are considered funds of the account on which it is earned and are subject to all restrictions placed on the use of streets development fees under this Section 50-14. Streets development fees and the interest earned thereon will be deemed to have been expended within the service area pursuant to a first in, first out process. The fund's accounting records and details are maintained as public records of the City, accessible to the public through open records requests (to the extent required by and in accordance with the Oklahoma Open Records Act and applicable City ordinances), and include at least the following information, as relates both to each development capital project or service area and each public infrastructure system for each development capital project or within each service area:

- a. The receipt of development fees;
- b. The development capital project or service area from which the streets development fee was collected;
- c. The accumulation of interest on the streets development fee funds;
- d. The type of public infrastructure system for which the funds were collected;
- e. The cost of the capital improvements to which the streets development fees were applied; and
- f. The dates when streets development fee funds were expended to fund, or applied to reimburse, the cost of capital improvements to public infrastructure systems.

(6) A streets development fee collected for one purpose shall not be devoted to another purpose except as provided below. If the purpose, component capital improvement plan, or a

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service area is changed or redrawn, or if a development spans more than one service area, the streets development fees collected prior to the change shall be spent proportionately pursuant to the new purpose or within the new service area(s) that encompass the development at the time of expenditure from which the streets development fee was originally collected.

(7) *Change in Fee Purpose.* If the City determines that the streets development fees as collected within a service area are no longer needed or desired for the purpose for which the streets development fees were collected, the City may either refund the collected streets development fees to the current property owners of the development from which the streets development fees were paid (or to the payor(s) of those fees to the extent allowable by State law), or proceed through the hearing process to adopt a new purpose for the streets development fees. If a refund is issued under this Subsection, a single check will be issued in the names of all the then current property owners as ownership is then shown in the records of the County Assessor (or to the payor(s) of those streets development fees to the extent allowable by State law).

### **(e) Service Areas.**

(1) The City has established service areas for the collection and expenditure of streets development fees.

(2) Development fees collected in a service area will be expended in the affected service area(s) to pay, recover or reimburse all or a portion of the public infrastructure system costs to increase or expand the functional service capacity of the public infrastructure system in those service area(s) that encompass or affect the development from which the funds were collected.

(3) If a development spans more than one service area, then the streets development fees will be collected and expended proportionately in the respective service areas to pay all or a portion of the public infrastructure system costs to increase or expand the functional service capacity of the public infrastructure system in that service area.

(4) The Public Works Director will determine how collected streets development fees will best be expended to expand the public infrastructure systems to increase or expand the functional service capacity of the public infrastructure system in the service area.

### **(f) Appeals or Modification.**

(1) *Applicability.* This subsection applies if the building permit applicant disputes the City staff's assessment of the streets development fee.

(2) *Initiation.* Within thirty (30) calendar days of the assessment, the building permit applicant shall deliver a Notice of Appeal/or Modification to the Development Services Director which shall include the following:

- a. a copy of the building permit application and any previously issued building permits, demolition permits, and certificates of occupancy,
- b. the determination by City staff,
- c. a copy of the final development plan for that development, and

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d. a written statement explaining and supporting the applicant's basis for the appeal or modification. If the applicant claims that the fee amounts for a particular use are incorrect, the written statement shall include a study documenting trip generation rates for that land use and showing calculations based on empirical research and data that would justify a reduced fee under the ordinance. The study shall use the methodology from the City's Streets Development Fee Study or other methodologies that would demonstrate whether administrative error in calculation of the streets development fee under the ordinance occurred or otherwise demonstrate that the streets development fee is not proportionate to the impacts of the proposed development. The study shall be prepared by a qualified professional in the fields of transportation engineering, urban planning, or public finance. The applicant shall bear its own costs in preparing the study and application.

### (3) Development Fee Panel.

a. **Applicability.** If a timely and complete appeal is filed, the Development Services Director shall forward the Notice of Appeal or Modification and supporting documentation to the Development Fee Panel.

b. **Creation.** There is hereby created a Development Fee Panel (the "Panel"), which has the power and duty to hear all appeals or modification requests from building permit applicants challenging a final assessment of streets development fees relating to an appellant's development.

c. **Membership.** The Panel shall consist of three (3) members as follows:

1. The Planning Director or designee, who shall serve as Chair of the Panel;
2. The Public Works Director or designee, who shall serve as Vice-Chair of the Panel; and
3. An individual not employed by the City appointed by the City Manager. This member shall serve at the pleasure of the City Manager and may be removed from office with or without cause upon the written notice of the City Manager. This member shall have at least three (3) years of experience in transportation engineering, urban planning, or public finance.

d. **Meetings and Hearings.** The Panel may adopt rules of procedure as determined by a majority of its members and in accordance with any applicable provisions of the Oklahoma City Municipal Code. The Panel shall meet only as necessary to deal with any pending appeals or modification requests. Any such meetings shall be called by the Chair, and all such meetings shall be called and held in compliance with the Oklahoma Open Meeting Act. A majority of the members of the Panel constitutes a quorum to conduct business.

e. **Quasi-Judicial Body.** The Panel is a quasi-judicial body, and its members shall not discuss with other members or any interested party concerning a matter before the Panel outside of the public meeting or hearing at which the matter is set to be heard.

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f. Powers. The Panel is authorized to hear and consider oral or written testimony and receive any other evidence it deems necessary and appropriate to make a final determination and order concerning the appeals or modifications brought for consideration pursuant to this Section.

g. Hearing, Decision, and Final Order.

1. The Planning Director will use best efforts to timely docket the appeal or modification with the Panel in accordance with City docketing procedures.

2. The Panel will review the appeal or modification and provide the building permit applicant with an opportunity to be heard at a public meeting of the Panel.

3. At the public meeting, or a subsequent public meeting, the Panel may decide the appeal by a majority vote of the members of the Panel present at that meeting if a quorum of two members is present.

4. The Panel may affirm, deny, modify, or remand with instructions the prior determination of the appropriate streets development fee back to the Development Services Director. In rendering its decisions, the Panel may adjust the streets development fees and determine refunds, credits, or exemptions, in whole or in part, on the following grounds:

- a. The applicability of the specific streets development fee to the development;
- b. An error in the calculation of the development fee due;
- c. The availability of, the amount of, or the expiration of a credit;
- d. The application of any such credit against the streets development fee due;
- e. The amount of the streets development fee in proportion to the impacts created or benefit received by the development;
- f. The amount of a refund that is due, if any;
- g. The availability of a discount expressly provided by this Section against the collection of streets development fees; and
- h. As Oklahoma or federal law may require considering the specific development at issue.

5. Notice of the determination of the Development Fee Panel will be sent by the Development Services Director to the building permit applicant.

6. The determination of the Panel shall constitute the final order of the City.

(5) Appeal to District Court. The building permit applicant may appeal the Panel's decision to the District Court within 30 calendar days of the final order to the District Court pursuant to 12 O.S. § 951. The failure to timely appeal waives the right to appeal the Panel's decision and is deemed agreement as to that final decision.

**(g) Exemptions.**

This subsection implements the provisions and limitations of 62 O.S. § 895, and the requirement that development exactions by the City shall not exceed a clear, ascertainable, and reasonably determined proportionate share of the cost of capital improvement to the public infrastructure system attributable to the expansion or increase in functional service demand or capacity generated, or to be generated by, the development being charged the fee.

**(1) Improvements**

a. The City may require a developer to donate or dedicate easement, real property or capital improvements, or to install, construct, operate, maintain, or repair capital improvements, including, but not limited to, the following local, adjacent, and site-specific, development-related street and sidewalk improvements to the extent that those improvements are planned as part of the development approval process and as may be required by zoning, the subdivision regulations or other regulations or ordinances of the City:

1. right and left turn lanes that provide access into and out of the proposed development, and
2. City-required sidewalks along and/or around the development in accordance with ADA Standards or through reasonable accommodations acceptable under the ADA, and
3. traffic signals:
  - (i) if the traffic signal is required by Traffic Commission, zoning, the subdivision regulations or other regulations or ordinances of the City, or
  - (ii) if the traffic signal is requested by the developer.

b. Any improvement required by subsection 50-14(g)(1)(a) above must be constructed in accordance with City policies, practices, and/or traffic studies or evaluations and in accordance with engineering design guidelines of the City. Determinations of the Traffic and Transportation Commission are subject to appeal as provided in Oklahoma City Municipal Code Section 2-751.

c. An improvement required under subsection 50-14(g)(1)(a) does not entitle a developer to a streets development fee exemption under 50-14(g)(3). This section 50-14 does not require an exemption, credit against, or an adjustment to a streets development fee for:

1. contribution of, or to the cost of, any easement, real property or capital improvement provided by a developer unrelated to streets development, or
2. any existing or future development that reduces square feet of development or fails to construct square feet of development as authorized by a building permit or supplement.

**(2)** A developer may request and the City may contract with a developer for the developer to make infrastructure improvements to arterial streets, at the developer's sole cost. The City may grant the developer an exemption to streets development fees equal to the cost of the improvements approved by the City and up to, but not in excess of, the amount of the streets development fees for the designated development. To be eligible for an exemption to the streets development fees:

- a. any improvements to an arterial street must meet the following criteria:

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1. includes a new through-lane at least the length of the development and any needed merging distance beyond the development; or
  2. includes intersection improvements with engineered left and/or right turn lane(s); or
  3. includes a new traffic signal, if the traffic signal:
    - (i) meets a published Manual on Uniform Traffic Control Devices warrant standard; and
    - (ii) includes intersection improvements with engineered left and/or right turn lane(s); and
    - (iii) is approved by the Traffic and Transportation Commission; and
  - b. the developer must submit construction plans for the public improvement(s) to the City Engineer, the City Engineer must review and approve the construction plans prior to commencement of construction, and
  - c. the developer must tender, with the Public Works Director, approved plans, executed performance and maintenance bonds for the proposed public improvement in the amount of the estimated cost of the improvement in accordance with City policies and procedures to obtain a work order and to obtain the credit; and
  - d. the improvements must be constructed in accordance with City standards and procedures; and
  - e. to finalize the credit:
    1. the developer must complete the public improvement in accordance with the approved plans, and
    2. the public improvement must be accepted by formal action of the City Council.
- (3) If the eligible and approved improvements in subsection (2) above cost more than the applicable streets development fee for the designated development, no additional exemption, and no credit, adjustment or refund will be granted to the developer for the designated development or any other development as a result of the additional cost.
- (4) This section does not obligate the City to:
- a. enter such a contract, or
  - b. contract for improvements that only partially address traffic needs,
- or
- c. prioritize improvements to that arterial street improvement, or
  - d. finance improvements to that arterial street improvement.
- (5) No exemption (including any credit or adjustment) shall be carried over:
- a. from one development to another development at a different location, or
  - b. from one development to a subsequent development at the same location, unless the development fee collected previously is for the same purpose, making any subsequent collection a repeat charge for the same purpose.

**SECTION 3.** That Section 60-50-1 of Article I, of Chapter 60 of the Oklahoma City Municipal Code, 2020, as amended, is hereby repealed in its entirety.

**SECTION 4.** That Section 60-50-1 of Article I, of Chapter 60 of the Oklahoma City

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Municipal Code, 2020, is hereby created to read as follows:

## §60-50-1. Streets development fees.

### (a) Streets Development Fee Table

(1) Streets development fees are assessed and collected for square feet of development at the rates in dollars as set forth below:

| Table 60-50-1.1 Rate by Infill and Core Assessment Areas                       |         |           |           |           |           |         |           |
|--------------------------------------------------------------------------------|---------|-----------|-----------|-----------|-----------|---------|-----------|
| Land Use Category                                                              | Infill  |           |           |           |           | Core    |           |
|                                                                                | Central | Northeast | Northwest | Southeast | Southwest | Central | Northeast |
| <b>Residential</b> ( <i>per dwelling unit by square footage</i> )              |         |           |           |           |           |         |           |
| < 1,000                                                                        | \$273   | \$598     | \$666     | \$687     | \$632     | \$252   | \$551     |
| 1,000 – 1,499                                                                  | \$342   | \$749     | \$834     | \$860     | \$791     | \$315   | \$690     |
| 1,499 – 1,999                                                                  | \$426   | \$934     | \$1,041   | \$1,072   | \$986     | \$393   | \$861     |
| 2,000 – 2,499                                                                  | \$490   | \$1,073   | \$1,196   | \$1,232   | \$1,133   | \$452   | \$989     |
| 2,500 – 2,999                                                                  | \$540   | \$1,183   | \$1,318   | \$1,358   | \$1,250   | \$497   | \$1,091   |
| 3,000 – 3,499                                                                  | \$582   | \$1,276   | \$1,421   | \$1,465   | \$1,347   | \$536   | \$1,176   |
| 3,500 – 3,999                                                                  | \$618   | \$1,355   | \$1,509   | \$1,555   | \$1,431   | \$570   | \$1,248   |
| > 4,000                                                                        | \$649   | \$1,423   | \$1,586   | \$1,634   | \$1,503   | \$598   | \$1,311   |
| <b>Nonresidential</b> ( <i>per 1,000 square feet or per room for Lodging</i> ) |         |           |           |           |           |         |           |
| Industrial                                                                     | \$246   | \$536     | \$596     | \$615     | \$566     | \$227   | \$494     |
| Warehousing / Distribution                                                     | \$91    | \$197     | \$219     | \$226     | \$207     | \$84    | \$182     |
| Lodging ( <i>per room</i> )                                                    | \$202   | \$437     | \$487     | \$500     | \$462     | \$186   | \$403     |
| Office                                                                         | \$357   | \$774     | \$865     | \$893     | \$819     | \$329   | \$714     |
| Institutional                                                                  | \$527   | \$1,148   | \$1,280   | \$1,322   | \$1,213   | \$486   | \$1,058   |
| Customer-Oriented Low                                                          | \$566   | \$1,229   | \$1,372   | \$1,409   | \$1,300   | \$522   | \$1,133   |

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| <b>Table 60-50-1.1 Rate by Infill and Core Assessment Areas</b> |                |                  |                  |                  |                  |                |                  |
|-----------------------------------------------------------------|----------------|------------------|------------------|------------------|------------------|----------------|------------------|
| <b>Land Use Category</b>                                        | <b>Infill</b>  |                  |                  |                  |                  | <b>Core</b>    |                  |
|                                                                 | <i>Central</i> | <i>Northeast</i> | <i>Northwest</i> | <i>Southeast</i> | <i>Southwest</i> | <i>Central</i> | <i>Northeast</i> |
| Customer-Oriented Moderate                                      | \$1,349        | \$2,934          | \$3,277          | \$3,366          | \$3,105          | \$1,244        | \$2,705          |
| Customer-Oriented High                                          | \$2,462        | \$5,355          | \$5,981          | \$6,143          | \$5,666          | \$2,269        | \$4,937          |

| <b>Table 60-50-1.2 New Growth Assessment Area</b>                     |                                        |                  |                  |                  |
|-----------------------------------------------------------------------|----------------------------------------|------------------|------------------|------------------|
| <b>Land Use Category</b>                                              | <b>Rate by New Growth Service Area</b> |                  |                  |                  |
|                                                                       | <i>Northeast</i>                       | <i>Northwest</i> | <i>Southeast</i> | <i>Southwest</i> |
| <b>Residential (per dwelling unit by square footage)</b>              |                                        |                  |                  |                  |
| < 1,000                                                               | \$680                                  | \$759            | \$782            | \$719            |
| 1,000 – 1,499                                                         | \$852                                  | \$950            | \$979            | \$901            |
| 1,499 – 1,999                                                         | \$1,064                                | \$1,185          | \$1,220          | \$1,123          |
| 2,000 – 2,499                                                         | \$1,222                                | \$1,362          | \$1,403          | \$1,291          |
| 2,500 – 2,999                                                         | \$1,347                                | \$1,501          | \$1,547          | \$1,423          |
| 3,000 – 3,499                                                         | \$1,453                                | \$1,619          | \$1,668          | \$1,535          |
| 3,500 – 3,999                                                         | \$1,542                                | \$1,719          | \$1,771          | \$1,629          |
| > 4,000                                                               | \$1,621                                | \$1,805          | \$1,860          | \$1,712          |
| <b>Nonresidential (per 1,000 square feet or per room for Lodging)</b> |                                        |                  |                  |                  |
| Industrial                                                            | \$610                                  | \$679            | \$701            | \$644            |
| Warehousing / Distribution                                            | \$224                                  | \$249            | \$258            | \$236            |
| Lodging (per room)                                                    | \$497                                  | \$555            | \$570            | \$526            |
| Office                                                                | \$882                                  | \$985            | \$1,017          | \$932            |
| Institutional                                                         | \$1,308                                | \$1,458          | \$1,505          | \$1,382          |
| Customer-Oriented Low                                                 | \$1,399                                | \$1,563          | \$1,605          | \$1,481          |
| Customer-Oriented Moderate                                            | \$3,341                                | \$3,732          | \$3,833          | \$3,536          |
| Customer-Oriented High                                                | \$6,099                                | \$6,811          | \$6,995          | \$6,452          |

| <b>Table 60-50-1.3 Rural Assessment Area</b>                          |                                   |                  |                  |                  |
|-----------------------------------------------------------------------|-----------------------------------|------------------|------------------|------------------|
| <b>Land Use Category</b>                                              | <b>Rate by Rural Service Area</b> |                  |                  |                  |
|                                                                       | <i>Northeast</i>                  | <i>Northwest</i> | <i>Southeast</i> | <i>Southwest</i> |
| <b>Residential (per dwelling unit by square footage)</b>              |                                   |                  |                  |                  |
| < 1,000                                                               | \$919                             | \$1,024          | \$1,055          | \$971            |
| 1,000 – 1,499                                                         | \$1,151                           | \$1,283          | \$1,322          | \$1,216          |
| 1,499 – 1,999                                                         | \$1,436                           | \$1,600          | \$1,649          | \$1,517          |
| 2,000 – 2,499                                                         | \$1,650                           | \$1,839          | \$1,895          | \$1,743          |
| 2,500 – 2,999                                                         | \$1,819                           | \$2,027          | \$2,088          | \$1,922          |
| 3,000 – 3,499                                                         | \$1,961                           | \$2,185          | \$2,252          | \$2,072          |
| 3,500 – 3,999                                                         | \$2,083                           | \$2,321          | \$2,391          | \$2,200          |
| > 4,000                                                               | \$2,188                           | \$2,438          | \$2,513          | \$2,312          |
| <b>Nonresidential (per 1,000 square feet or per room for Lodging)</b> |                                   |                  |                  |                  |
| Industrial                                                            | \$824                             | \$917            | \$946            | \$869            |
| Warehousing / Distribution                                            | \$302                             | \$337            | \$348            | \$319            |
| Lodging (per room)                                                    | \$671                             | \$749            | \$770            | \$711            |
| Office                                                                | \$1,190                           | \$1,330          | \$1,372          | \$1,260          |
| Institutional                                                         | \$1,765                           | \$1,970          | \$2,033          | \$1,866          |

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| <b>Table 60-50-1.3 Rural Assessment Area</b> |                                   |                  |                  |                  |
|----------------------------------------------|-----------------------------------|------------------|------------------|------------------|
| <b>Land Use Category</b>                     | <b>Rate by Rural Service Area</b> |                  |                  |                  |
|                                              | <i>Northeast</i>                  | <i>Northwest</i> | <i>Southeast</i> | <i>Southwest</i> |
| Customer-Oriented Low                        | \$1,890                           | \$2,111          | \$2,168          | \$2,000          |
| Customer-Oriented Moderate                   | \$4,512                           | \$5,040          | \$5,176          | \$4,774          |
| Customer-Oriented High                       | \$8,234                           | \$9,196          | \$9,445          | \$8,712          |

Provided, however, streets development fees paid on or after July 1, 2027 will be assessed and collected based upon the streets development fees rate as will be adjusted on July 1, 2027, and annually on July 1 of each year thereafter, in accordance with the following formula rounded up to the nearest full cent:

$$\text{Fee} = (R * X * Y) / Z$$

Where:

R = the rate determined by the number of dwelling units (if the land use is residential) or per 1,000 square feet or per room for Lodging (if the land use is nonresidential) in the tables above.

X = the number of dwelling units (if the land use is residential) or the number of square feet of development divided by 1,000 (if the land use is nonresidential) or the number of rooms for Lodging.

Y = "Engineering News Record - Current": Twenty City Average Construction Cost Index as published the last week of June of the current year.

Z = "Engineering News Record - Baseline": Twenty City Average Construction Cost Index as published the last week of June 2025 being 13871.21.

### **(b) Assessment and Service Areas.**

**(1)** The streets development fees for each development will be assessed and collected based on the Assessment and Service Areas shown in Figures 60-50-1.1 and 60-50-1.2 below, and allocated and expended among the service areas shown in Figure 60-50-1.2 below.

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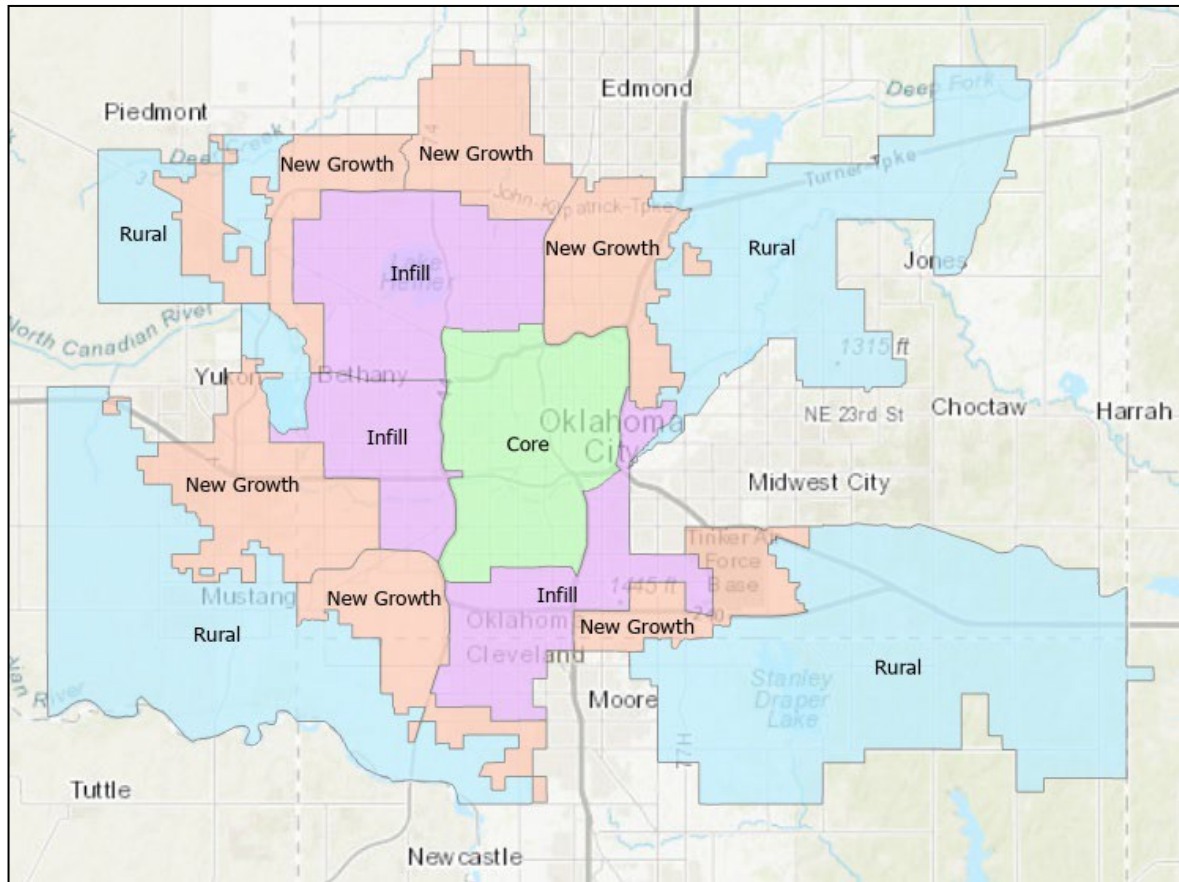


Figure 60-50-1.1 Streets Development Fees Assessment Areas

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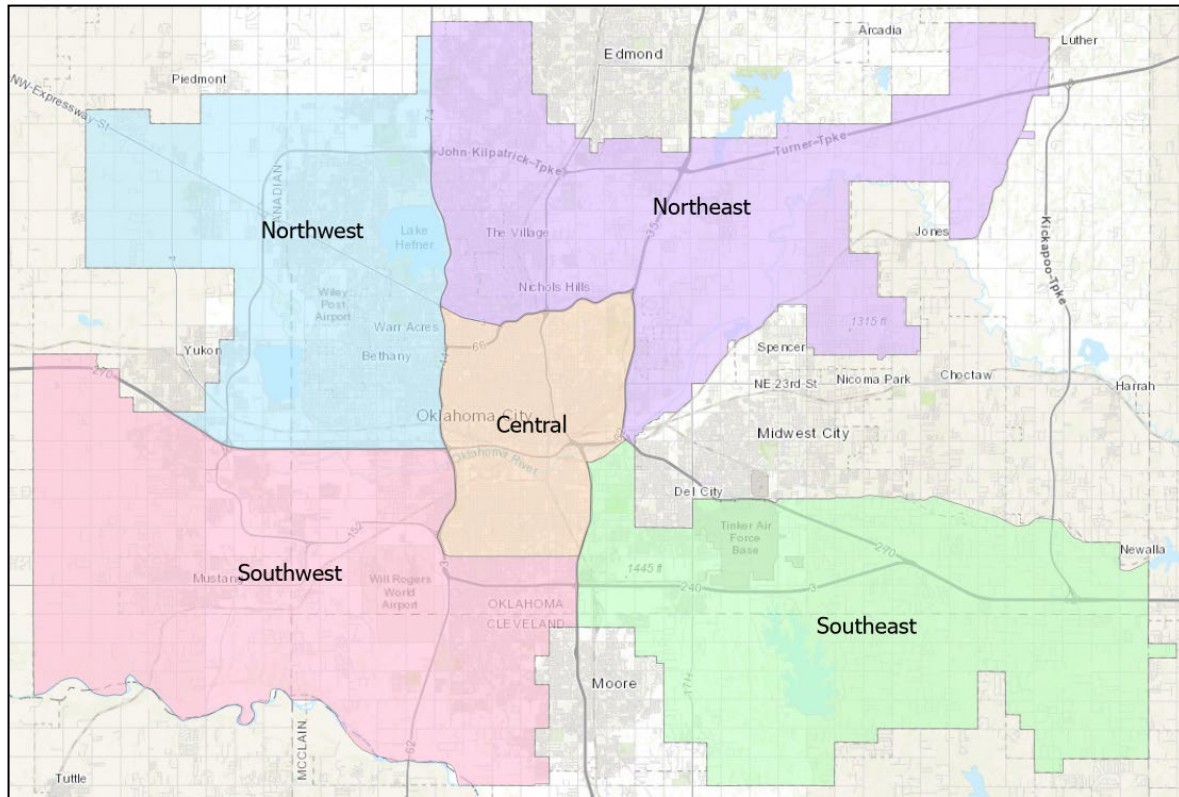


Figure 60-50-1.2 Streets Development Fees Service Areas

(2) Staff will present to Council at a public meeting an annual report on development fee funds, revenues and improvements. Staff will present to Council at a public meeting an annual report on the development fee rate adjustment.

(3) Any expansion to the Comprehensive Plan's Urban-Low Intensity land use typology area shall be automatically and immediately reflected in the Assessment Areas Map by expanding the boundaries of the New Growth assessment area to include the expansion area. The Assessment Areas Map will be deemed revised by virtue of the approval of the revised Comprehensive Plan. A revised Assessment Areas Map will be provided by the Planning Director to the City Clerk and the Development Services Director.

### **SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect on the

\_\_\_\_\_ day of \_\_\_\_\_ 2026.

**INTRODUCED AND READ** in open meeting of the Council of The City of

Oklahoma City, Oklahoma this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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**PASSED** by the Council and **SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma, on the \_\_\_ day of \_\_, 2026.

ATTEST:

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CITY CLERK

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MAYOR

REVIEWED for form and legality.

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ASSISTANT MUNICIPAL COUNSELOR