

ORDINANCE NO. 06-____

AN ORDINANCE PERTAINING TO UTILITIES AMENDING SECTION 22-2-1-218, DIVISION 22-2-1, ARTICLE 22-2, CHAPTER 22, LAWTON CITY CODE, 2005, BY ESTABLISHING PENALTIES FOR VIOLATIONS OF STAGE 2 OR STAGE 3 RESTRICTIONS AND DEFINE CUSTOMER FOR PURPOSES OF THIS SECTION, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 22-2-1-218 is hereby amended to read as follows

22-2-1-218 Temporary or periodic restrictions on water usage.

A. Whenever the rate of water consumption, by all users of the city' s water supply and water distribution system, attains such volume that a loss of water pressure is experienced in all or part of the city' s water distribution system, or the city' s raw water supply become extremely low the city manager and city engineer shall certify this condition to the mayor, in writing, together with recommendations for the alleviation of such conditions. Upon the certification of the city manager and city engineer, the mayor shall issue a proclamation, under the provisions of this article, establishing restrictions on the use of water. The provisions of the mayoral proclamation restricting water usage shall apply to all consumers of the city' s water system, both within and without the city limits. The restrictions on water usage shall remain in effect until such time as the city manager and city engineer jointly determine that sufficient water pressure has been restored, or that restricted usage is no longer necessary.

B. The type, nature and extent of the water usage restriction shall be based on prevailing conditions of the city' s water distribution system and the rates of consumption, or when the city' s raw water supply become extremely low as certified by the city engineer. Restrictions on water usage shall include the authority to prescribe certain times for use of water, to establish purposes for which water may be used, or to prohibit certain usages of water as provided hereafter in subsections D-F. Usage restrictions imposed may apply to the entire city or to only a part or portion of the city in order to protect the public health, safety and welfare.

C. Upon the issuance of the mayoral proclamation, the same shall become immediately effective. A certified copy of the proclamation shall be published at least once, within five days of its issuance, in a legal newspaper having general circulation within the city. A certified copy of the proclamation shall also be filed with the municipal criminal court. Violation of such proclamation shall be subject to penalties as set out in any provision of this article.

D. STAGE 1-VOLUNTARY RESTRICTIONS OF OUTSIDE WATER USAGE.

1. Conditions. The condition for Stage 1 shall exist when the average daily water usage reaches ninety-five percent (95%) of plant capacity for seven consecutive days or when the water surface elevation of Lake Lawtonka is at or below 1,340 feet above sea level.

2. Voluntary Conservation. Upon certification of the conditions for Stage 1, the mayor shall, through appropriate means, call upon the general population to conserve water voluntarily by limiting outside watering to the hours between midnight and noon every other day.

3. Termination. Stage 1 shall terminate when the mayor shall file an order with the city clerk, finding that the conditions for Stage 1 no longer exist.

E. STAGE 2-MANDATORY RESTRICTION OF OUTSIDE WATER USAGE TO EVERY OTHER DAY.

1. Conditions. The conditions for Stage 2 shall exist when the average daily water usage reaches ninety-eight percent (98%) of plant capacity for three consecutive days or when the water surface

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elevation of Lake Lawtonka is at or below 1334 feet above sea level or when one or more pumps at the Lake Ellsworth pump station fail causing the transfer of water to fall below the normal operating volume of 28 mgd and the elevation of Lake Lawtonka is at or below 1335 feet above sea level.

2. Mandatory Restrictions. Upon certification of the conditions for Stage 2, the mayor shall order the mandatory restriction of outside water usage including but not limited to watering of lawns, trees, shrubs, gardens and bedding plants, vehicle washing, washing or hosing down of sidewalks, driveways and streets, filling of pools or other recreational uses to the hours between midnight and noon every other day.

3. Termination. Stage 2 shall terminate when the Mayor shall file an order with the city clerk and cause the same to be published in a newspaper of general circulation within the city, finding that the conditions for Stage 2 no longer exist; provided, however, that the Mayor may in such order call upon the general population to voluntarily conserve water as provided in Stage 1 herein.

F. STAGE 3 MANDATORY PROHIBITION OF OUTSIDE WATER USAGE.

1. Conditions. The conditions of Stage 3 shall exist when water usage reaches one hundred percent (100%) of plant capacity for two consecutive days or when the water surface elevation of Lake Lawtonka is at or below 1,330 feet above sea level.

2. Mandatory Prohibition. Upon certification of the conditions for Stage 3, the mayor shall prohibit all outside water usage including but not limited to watering of lawns, trees, shrubs, gardens and bedding plants, vehicle washing, washing or hosing down of sidewalks, driveways and streets, filling of pools or other recreational uses.

3. Termination. Stage 3 shall terminate when the Mayor shall file an order with the city clerk and cause the same to be published in a newspaper of general circulation within the city, finding that the conditions for Stage 3 no longer exist; provided, however, that the Mayor may in such order impose the restrictions of Stage 2 or may call upon the general population to voluntarily conserve water as provided in Stage 1 herein.

G. ~~If Stage 3 is reached, the city council shall take action to suspend all outside water sales, for the duration of the Stage 3 period.~~ PENALTIES FOR VIOLATION OF STAGE 2 OR STAGE 3 PROHIBITIONS

1. Any violation of the restrictions of Stage 2 or Stage 3 by any party receiving water by a user located inside the City limits shall be deemed a violation of this Code and the penalties shall be as set out in Chapter 1, Section 1-119 for a first offense. Each day that an offense occurs shall be deemed a separate offense. Second and subsequent offenses shall be in addition to a citation prosecuted in Municipal Court and shall be treated under the same terms and conditions as those of a customer who is receiving water under an outside water sales contract.

2. Customers receiving water by virtue of an outside water contract shall ~~cause any such outside water contract to be automatically terminated and the sale of such water to cease~~ for a first violation receive a letter of Notice of Violation and the water rate applicable to that customer shall be increased by fifty percent (50%) for the duration of that billing period. For a second violation by the customer during the declared water emergency, the customer shall receive a Notice of Violation and the water rates for the customer shall be doubled for not only that billing period by the remainder of the declared emergency. A third violation during the declared emergency by the customer shall cause the customer(s) agreement to be cancelled and immediately terminate water service(s). The customer, whether inside the city limits or outside the City, shall be required to reapply for water service and additional application fees and deposits will be required as set out in Appendix A of this Code. Water service agreements with customers outside the City limits are at the discretion of the Council. For purposes of this section, customer is defined as the individual or entity contracting with the City for water service provided through a master meter. If the customer has additional customers attached beyond the master meter it is the customer's responsibility to insure compliance with the declared water emergency requirements by all its additional customers.

H. The following activities, users, or usages of water shall be exempt from the restrictions

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prescribed by the proclamation authorized under Subsection A of this section except no exemption shall apply in Stage 3 Mandatory Prohibition of Outside Water Usage, with the exception of subsection H. 3, below:

1. Watering upon the immediate premises of any commercial nursery raising plants, shrubs, or trees for sale;
2. Commercial car washes and service stations;
3. Washing of motor vehicles used in food transportation, food products, perishable goods or motor vehicles used for garbage collection; and
4. Food producing crop for personal use or consumption only;
5. Lawns which have been treated by commercial nurseries, landscape gardeners, or similar type businesses, if:
 - a. The watering is completed within twenty-four (24) hours from the treatment of the lawns; and
 - b. A sign is conspicuously posted on the premises stating the date and time of the lawn treatment; and
6. Newly planted lawns for a period of two weeks with the posting of a sign which sets out the date of the start of such two week period.
- G. The use of fire plug meters during Stage 2 or 3 is prohibited. (Ord. 2004-42, Amended, 11/09/2004; Ord. 2004-37, Amended, 10/27/2004; Ord. 2002-21, Amended, 06/25/2002)

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said 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.

Section 3. Emergency. Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Lawton and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2006.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2006.

JOHN H. VINCENT
CITY ATTORNEY

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BRIEF GIST

This Ordinance will establish penalties for violations of Stage 2 or Stage 3 restrictions and will also define customer for purposes of this section.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2006.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2006.)