



Agenda Commentary

Item Title/ Subject: Water Restrictions

Staff Source: City Manager, Steve Hewitt

History/Background Information: The City Water supply is split between Clinton Lake and the Foss R.O. facility. Our weekly allotment from Foss is 4,802,959 gallons (\$2.90 per 1000 gal.), which is an average of 686,137 gallons per day. Our cost per gallon over our allotment is \$2.55 per 1000 gals. City rates are \$11.88 for first 2000 gals, \$2.21 next 2000 gals, \$2.10 next 10,000 gals, \$2.57 next 86,000 gals, and \$2.76 over 100,000 gals.

Past history for average July.... 2009 City took 21,276,500 gallons from Foss; 2010 22,823,020 gallons from Foss; this year we will need 58,032,000 gallons from Foss (this current July '11). The City is averaging 747,000 more per day than and average years. The City Water Fund takes a financial loss for overage taken from the Foss Facility.

Item/Subject Summary: Clinton Lake is down 12' as of July 29, 2011. Lake is losing an average of 1" per day. Clinton Lake has only 10' remaining for water consumption/distribution. The past 2 weeks the City implemented voluntary water rationing. However, usage actually increased. The combination of Clinton Lake levels, cost of purchasing from Foss, and weather forecast create concern. Water Restrictions should be implemented.

Weather: 30 days in a row currently over 100 degrees. Since May 1st, 47 days have registered over 100 degrees, and 71 days over 90 degrees. July has seen an average of 104 degrees high and nearly 80 degrees for low. We are in a severe weather pattern, the City must be proactive.

City total usage is up nearly 1,000,000 gals per day. We need to reduce consumption/usage.

Price/Cost: Estimated \$90,000 overage costs for July (from Foss Facility). Clinton depth creates increase in chemicals and operational costs, unknown what increased costs will total.

Recommendation: Staff recommends proposed ordinance 935 to add to our Code Book for future Water Conservation issues. In addition to 935, staff recommends implementing Water Restrictions immediately (Resolution PW11-01).

Staff recommends continuing this indefinitely until significant improvements occur. We want to avoid any major emergencies. This is a serious situation and we should be proactive. (note: this will not affect our commercial users)

ORDINANCE NO. 935

**[AN ORDINANCE TO IMPLEMENT WATER
CONSERVATION PROCEDURES DURING PERIODS
OF DROUGHT THROUGH EFFICIENT LANDSCAPE
IRRIGATION; AND ESTABLISHING PENALTIES
FOR VIOLATIONS THEREOF]**

**BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON,
OKLAHOMA:** Code of Ordinances, are hereby created to read:

WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

Section 1. INTENT AND PURPOSE. It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation, during our drought conditions.

Section 2. DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

(a) "Address" means the house number of a physical location of a specific property. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(b) "City" means the City of Clinton.

(c) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.

(d) "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

(e) "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

(f) "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Section 3. LANDSCAPE IRRIGATION SCHEDULES.

1. The City Manager shall have the authority, with the advice and consent of the Council, to institute water conservation procedures in the following form. Landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on odd numbered days and shall not occur between 9:00 a.m. and 7:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on even numbered days and shall not occur between 9:00 a.m. and 7:00 p.m.; and

c. There shall be no limits placed on non-residential landscape irrigation; and

d. No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

e. There shall be no runoff or direct spray on hard surfaces.

Section 4. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

1. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

2. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 5 minutes per hour per zone.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

Section 5. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS. A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that

compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week. A petition must be filed with the City Clerk requesting a variance. The City Manager shall hear all applications within ten (10) days of the application being filed. An adverse decision of the City Manager may be appealed, in writing within ten (10) days, to be heard by the Council.

Section 6. APPLICATION OF ORDINANCE. The provisions of this Ordinance shall apply to each person located within the City of Clinton.

Section 7. ENFORCEMENT OFFICIALS. The Police Department is hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to agencies and department of city government.

Section 8. PENALTIES. Violation of any provision of this Ordinance shall be subject to the penalties described in 1-4-1 of this Code.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

Section 9. CODIFICATION. This Ordinance shall be codified as described in 2-16 of the City Code.

Section 10. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 11. EMERGENCY CLAUSE. This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this _____ day of _____, 2011.

MAYOR

ATTEST:

CITY CLERK

(SEAL)