

ORDINANCE NO. 935D

AN ORDINANCE TO AMEND WATER USE RESTRICTIONS

WHEREAS, the City has previously adopted Ordinance No. 935, 935A, 935B and 935C.

WHEREAS, implementation of Ordinance No. 935, 935A, 935B and 935C have failed to properly address water shortage issues.

WHEREAS, the Foss Master Conservancy District, which is currently the City's sole source of water, has capped water delivery to the City at 1.7 MGD with no option for the purchase of overage.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Section 3 of Ordinance 935C (Codified as 9-5-3), of the Clinton City Code of Ordinances, shall be amended as follows:

Section 3. WATER USE RESTRICTION

(2) Extraordinary Use Restrictions: Whenever an Emergency exists by reason of a shortage of water due to an inadequate supply; limited treatment or distribution capacity; failure of equipment or material; or mandatory reductions or rationing imposed by a State, Federal or Regulatory Agency or the Foss Master Conservancy District, the Authority is hereby authorized to impose, by restriction, additional restrictions or prohibitions on the use of water from the water system, including, but not limited to:

A. A total ban on the outdoor use of water for non-essential use, excluding watering by soaker hoses during the hours identified in 9-3-5(1). This shall include the possible removal or locking of all irrigation meters from residences and businesses.

B. New landscape waiver. A waiver of subsection (2)(A) may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate moisture to sustain viability until the plants are established but not to exceed a 30-day time period, and only between the hours of 6 pm to 7pm.

1. Any person wishing such a waiver must make application to the City Manager or Designee, receive approval and pay a \$50.00 non-refundable fee.

2. Applicants receiving the above waiver must agree to pay a water rate that is three times normal rate for that customer for all consumption in excess of 4000 gallons as registered by a City

owned meter. The City may and typically will flow test meters measuring water used under this waiver. This special rate shall be in lieu of the surcharge cited elsewhere herein.

3. Persons who desire a waiver for new landscapes shall utilize exclusively water-use efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize the use of mulch, compost and zonal irrigation systems. These plants and practices shall be those recommended by or recognized as water efficient and suitable for the area by Oklahoma State University. Turf grasses that qualify are Buffalo grass and Bermuda grass.

4. At any time, should the circumstances dictate, the City Manager may terminate and withdraw all waivers. If the waivers are terminated by the unilateral action of the City Manager, the issue shall be placed upon the next council agenda for review.

(3) Limitation: Any Extraordinary Restriction, as described in 9-5-3(2), shall be reviewed by the Authority on a monthly basis, but, in no event shall the restrictions extend beyond the reasonable duration of the underlying shortage and any restrictions may be terminated, at anytime, by Resolution of Council.

II. Section 9-5-6 shall be amended to read as follows:

The provisions of this chapter shall apply to all users of Municipal Water.

III. 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 _____, 2014.

MAYOR

ATTEST:

CITY CLERK

(SEAL)