

CITY OF TUTTLE ORDINANCE NO. 2011-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF TUTTLE, GRADY COUNTY, STATE OF OKLAHOMA ADDING A NEW SECTION 16-14 AND A NEW SECTION 16-15 TO CHAPTER 16, ARTICLE 2 OF THE CODE OF ORDINANCES OF THE CITY OF TUTTLE, TO REQUIRE PRIVATE WATER WELLS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF TUTTLE TO BE REGISTERED WITH THE CITY OF TUTTLE; TO ALLOW RESTRICTIONS ON THE USE OF PRIVATE WATER WELLS WHEN DEEMED NECESSARY; AMENDING PARAGRAPH 3 OF CHAPTER 11, ARTICLE 3, SECTION 11-51 TO ESTABLISH PENALTIES FOR VIOLATING WATER RESTRICTIONS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TUTTLE, OKLAHOMA:

SECTION 1: A new section is hereby added to Chapter 16, Article 2 of the Code of Ordinances of the City of Tuttle, Oklahoma, to be codified as Section 16-14 and to henceforth read as follows:

SECTION 16-14. Private Water Wells; Registration; Restriction on Use.

- 1. As authorized by 82 O.S. Section 1020.21, It shall be the duty of every person owning, occupying or having control of the occupancy of any premises upon which a water well is located within the City of Tuttle, Oklahoma, to register all water wells on the premises with the City of Tuttle at the beginning of such occupancy, accompanied with a payment of a nominal fee, as established by resolution.**
- 2. Every person owning, occupying or having control of the occupancy of any premises upon which a water well was located on the effective date of this Ordinance shall register all water wells on the premises on or before October 1, 2011.**
- 3. Every person owning, occupying or having control of the occupancy of any premises upon which a water well is drilled on or after the effective date of this Ordinance shall register said water well within fifteen (15) days after the completion of said water well.**
- 4. Nothing herein shall prevent the city from assessing permit fees for unpermitted wells drilled after July 1, 2009.**
- 5. In the public interest, to protect the health, safety and welfare of the citizens of the City of Tuttle, and to preserve the ability of the City and its citizens to provide adequate fire suppression through water availability, the City Manager may issue water usage restrictions to users of well water at any location within the City of Tuttle when the usage impacts the ground water table, the availability of water, the quantity or quality of water or the available water pressure in any affected public or private water well.**

SECTION 2: A new section is hereby added to Chapter 16, Article 2 of the Code of Ordinances of the City of Tuttle, Oklahoma, to be codified as Section 16-15 and to henceforth read as follows:

SECTION 16-15. Waste of Water.

1. It shall be unlawful for any person to commit waste of water, whether from the public water supply, groundwater, or other sources, within the City of Tuttle. Waste of water is hereby defined as:

A. Taking or using water in any manner so that the water is lost for beneficial use;

B. Transporting water from a well to the place of use in such a manner that there is an excessive loss in transit;

C. Using water in such an inefficient manner that excessive losses occur;

D. Allowing water to be over-sprayed onto concrete, asphalt, pavement, roofs, or exterior walls of structures during the process of outdoor watering;

E. Using water to water outdoor during periods of extreme heat or when the outdoor temperature exceeds 95 degrees Fahrenheit.

F. Allowing any water to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;

G. Using water for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

H. Failure to properly plug abandoned fresh water wells in accordance with rules of the Oklahoma Water Resources Board and file reports thereof.

2. The City, when presented with evidence that an act of waste is being committed, or after investigation of a complaint filed by another individual, shall take steps to assure that the waste ceases. Such steps shall include but shall not be limited to pursuing voluntary compliance, obtaining the issuance of a cease and desist order by the City Manager, instituting action in the Municipal Court of the City of Tuttle for fines; instituting action in a court of competent jurisdiction to enjoin the waste, or other administrative remedies by the City, and filing a complaint in the Grady County District Court.

SECTION 3. That the following penalties are ADDED to Paragraph 3 of Chapter 11, Article 3, Section 11-51 of the Code of Ordinances of the City of Tuttle, Oklahoma, and shall be in addition to all other penalties established by said Paragraph 3 of Chapter 11, Article 3, Section 11-51 of the Code of Ordinances of the City of Tuttle, Oklahoma:

Penalties for Offenses dealing with Fresh Water within the City of Tuttle:

Water Restriction Violations, 1st Offense (per calendar year)	\$25.00
Water Restriction Violations, 2nd Offense (per calendar year)	\$50.00
Water Restriction Violations, Additional Offenses (per calendar year)	\$100.00
Waste of Water, 1st Offense (per calendar year)	\$25.00
Waste of Water, 2nd Offense (per calendar year)	\$50.00
Waste of Water, Additional Offense (per calendar year)	\$100.00

SECTION 4. It is hereby determined that it is immediately necessary for the preservation of the public health, peace and safety of the citizens of the City of Tuttle, Oklahoma that an emergency be declared.

WHEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED with the Emergency Clause by the Mayor and City Council of the City of Tuttle this 3rd day of August, 2011.

MAYOR

ATTEST:

CITY CLERK

(SEAL)