

**CHAPTER 20, DIVISION 7 OF THE BARTLESVILLE MUNICIPAL CODE PERTAINING TO
WATER SHORTAGES.**

SECTION 1: That Chapter 20, Division 7 of the Bartlesville Municipal Code is hereby amended as follows:

Section 20-106 Authority

Whenever a potential water shortage exists, the City Council is authorized to restrict or prohibit the use of water from the City's water system.

- (a) The Water Utilities Director is the official responsible to monitor the City's water supply, optimize water usage from the City's raw water sources and report to the City Manager, who shall inform City Council, whenever the water supply falls below 80%.
- (b) Any restriction shall be enforceable by both the Code Enforcement and the Police Department.

Section 20-107 Water Shortage Condition

A potential water shortage condition exists whenever the water supply falls below 80% or so declared by the City Council. The public will be informed of the status of the current water supply and water consumption. Every available forum will be used to educate the general public regarding the status of the water supply and measures they can take to reduce usage.

The City Manager shall have discretion on when to implement restrictions and/or declaring a drought stage based on an assessment of all relevant circumstances and conditions such as rainfall projections, system outage, equipment failure, structural failure, sabotage, natural disaster, contamination of water source, or other reasons or emergencies.

- (a) Stage One: If the overall water remaining is between 80% and 75% and the weighted water supply based on water right is below 95%, the public will be informed and voluntary usage reduction shall be requested. If the overall water

remaining is between 74.9% and 70% and the weighted water supply based on water right is below 95%, the following water restrictions shall be implemented:

- (1) Landscape and garden watering through automatic irrigation systems, hose end sprinklers, soaker hoses and drip irrigation shall be restricted to two days per week. Even numbered properties on Tuesdays and Saturdays, and odd numbered properties on Wednesdays and Sundays.
- (2) Exceptions to Landscape Watering Schedule:
 - i. Landscape watering by means of hand-held hose only or watering can.
 - ii. Commercial plant nursery.
 - iii. Brief watering for testing of a new automatic irrigation system or after repair or adjustment of an existing irrigation system.
 - iv. Landscape watering using non-potable water through rain water collection or grey water.
- (3) Any person violating any of the Stage One restrictions shall be subject to the following fine schedule:

First Offense - written warning
Second Offense - \$50
Third Offense - \$100
Fourth Offense - \$200
Fifth or more Offense - \$500

- (4) The Water Utilities Director shall notify all contracted wholesale customers and require each to adopt similar conservation measures for their systems in accordance with their individual contracts with the City of Bartlesville.
- (b) Stage Two: If the overall water remaining is between 70% and 60% and the weighted water supply based on water right is below 85%, the following water restrictions shall be implemented:
- (3) Continue all of the actions as directed in Stage One not altered by provisions in Stage Two.

- (4) City owned splash pads will be closed.
- (5) City owned swimming pools may implement a reduced schedule of operation or closure to conserve water.
- (6) No washing of motor vehicle, motorbike, boat, trailer or other vehicle or piece of equipment except at a vehicle wash facility.
- (7) Outdoor water use to wash any outdoor surface, including but not limited to sidewalks, walkways, driveways, parking lots, tennis and other sport courts, patios, decks or other paved or hard surfaced area shall be prohibited.
- (8) Use of water to flush, test or disinfect new water lines or services or new wastewater facilities shall be prohibited, unless a variance is granted by the Water Utilities Director.
- (9) The goal of the Stage 2 restrictions is to reduce water consumption to less than 5.5 million gallons per day. If the restrictions do not reduce water consumption below this threshold, then Council may pass a resolution to enact the Stage Two Emergency Water Rates as follows:

Stage Two Emergency Water Rate Adjustment

For accounts with meters smaller than three (3) inches.	
Usage (gallons)	Adjustment on volumetric rates
0—2,000	100% of current rates
2,001—10,000	100% of current rates
10,001—25,000	115% of current rates
25,001—50,000	120% of current rates
50,000—100,000	125% of current rates
>100,000	150% of current rates
For accounts with meters three (3) inches or larger, or industrial, or wholesale customers who have a separate contract for the purchase of water the adjustment shall be 105% of current volumetric rates.	

- (c) Stage Three: If the overall water remaining is between 60% and 50% and the weighted water supply based on water right is below 75%, the following water restrictions shall be implemented:
- (1) Continue all of the actions as directed in Stage Two not altered by provisions in Stage Three.
 - (2) Landscape and garden watering through automatic irrigation systems, hose end sprinklers, soaker hoses and drip irrigation shall be restricted to one day per week. Even numbered properties on Saturdays, and odd numbered properties on Sundays.
 - i. Exceptions to Landscape Watering Schedule:
 - a. Landscape watering by means of hand-held hose only or watering can.
 - b. Commercial plant nursery.
 - c. Brief watering for testing of a new automatic irrigation system or after

repair or adjustment of an existing irrigation system.

- d. Landscape watering using non-potable water through rain water collection or grey water.

(3) Outdoor pools, hot tubs or spas shall not be filled.

(4) Any person violating any of the Stage Three restrictions shall be subject to the following fine schedule:

First Offense - \$50
Second Offense - \$100
Third Offense - \$200
Fourth Offense - \$400
Fifth or more Offense - \$500

(5) Water pressure will be reduced within the distribution system to minimum levels allowed by state and federal regulations.

(6) The goal of the Stage 3 restrictions is to reduce water consumption to less than 4.75 million gallons per day. If the restrictions do not reduce water consumption below this threshold, then Council may pass a resolution to enact the Stage Three Emergency Water Rates as follows:

Stage Three Emergency Water Rate Adjustment

For accounts with meters smaller than three (3) inches.	
Usage (gallons)	Adjustment on volumetric rates
0—2,000	100% of current rates
2,001—10,000	105% of current rates
10,001—25,000	140% of current rates
25,001—50,000	145% of current rates
50,000—100,000	150% of current rates
>100,000	175% of current rates
For accounts with meters three (3) inches or larger, or industrial, or wholesale customers who have a separate contract for the purchase of water the adjustment shall be 115% of current volumetric rates.	

- (d) **Stage Four:** If the overall water remaining is below 50% and the weighted water supply based on water right is less than 65%, City Council shall declare an emergency and the following water restrictions shall be implemented:
- (1) Continue all of the actions as directed in Stage Three not altered by provisions in Stage Four.
 - (2) A total ban on all outdoor landscape and garden watering except using non-potable water through rain water collection.
 - (3) All private and public pools shall be closed.
 - (4) No water may be added to an indoor or outdoor pool or hot tub unless necessary to maintain the water purification system or to maintain the structural integrity of the pool or hot tub.

- (5) Water shall not be used in or related to a chemical lawn treatment.
- (6) Any person violating any of the Stage Four restrictions shall be subject to the following fine schedule:

First Offense - \$100
Second Offense - \$200
Third Offense - \$400
Fourth Offense - \$500
Fifth or more Offense - \$500

- (7) The goal of the Stage 4 restrictions is to reduce water consumption to less than 4.25 million gallons per day. If the restrictions do not reduce water consumption below this threshold, then Council may pass a resolution to enact the Stage Four Emergency Water Rates as follows:

Stage Four Emergency Water Rate Adjustment

For accounts with meters smaller than three (3) inches.	
Usage (gallons)	Adjustment on volumetric rates
0—2,000	100% of current rates
2,001—10,000	110% of current rates
10,001—25,000	160% of current rates
25,001—50,000	165% of current rates
50,000—100,000	170% of current rates
>100,000	200% of current rates
For accounts with meters three (3) inches or larger, or industrial, or wholesale customers who have a separate contract for the purchase of water the adjustment shall be 130% of current volumetric rates.	

(e) The following exemptions apply to Stage 1, Stage 2, Stage 3 & Stage 4 restrictions, allowing water use as follows:

- (1) The use of water necessary to protect the health, safety or welfare of the public;
- (2) Necessary use of water for repair of a water distribution facility, flushing or cleaning of an existing in-service water or sewer line(s), or flushing of existing in service residential or commercial plumbing lines;
- (3) Use of water, other than for landscape irrigation, necessary to meet express requirements of federal, state, or local permits related to land development or capital projects that include but not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work or modification or construction of improvements;
- (4) Necessary washing or sanitizing to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid, or solid waste, organic materials or recyclables;
- (5) Water use immediately necessary for or relate to firefighting, fire prevention, or fire suppression activity or operations conduction because of actual risk to the public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire approaching any person or property.

(f) Each stage will remain in effect until the water supply reaches a level outside of the range indicated for the stage and there is an expectation that the water supply will remain above said threshold for a reasonable period of time.

- (g) Any person aggrieved by the terms of a resolution may appeal to the City Manager or his designee, who may grant an exemption, wholly or in part, if compliance would create an immediate threat to the person's health or safety or create an undue hardship for a business. The decision of the City Manager or his designee may be appealed by written notice to the City Council, though the terms of the resolution shall remain in effect during the appeal period.
- (h) Any excess revenue received through the emergency rate volumetric adjustment shall be reserved in a fund designated for capital improvements to the water distribution, treatment or water supply system.

Section 20-108 Resolution publication or issuance

- (a) Resolutions authorized by Section 20-107 shall be published in a newspaper of general circulation in the city. The terms of the resolution shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the resolution.
- (b) Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the mayor may issue an appropriate proclamation and notice of the proclamation may be given by reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice; provided that if any such means is other than that required in subsection (a), the proclamation shall be republished in accordance with subsection (a) within twenty-four (24) hours of the first notice.

Section 20-109 Resolution duration


Such resolution shall continue and the terms of the resolution shall be in effect until such time as it is repealed by the City Council.

Section 20-110 – 20-125. Reserved

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF BARTLESVILLE, OKLAHOMA, THIS 2ND DAY OF OCTOBER 2023.


MAYOR

ATTEST:


CITY CLERK



VOTE:

MR. ROSZEL
MR. DORSEY
MS. ROANE
VICE MAYOR CURD
MAYOR COPELAND

aye	<input checked="" type="radio"/> no
<input checked="" type="radio"/> aye	no
<input checked="" type="radio"/> aye	no
<input checked="" type="radio"/> aye	no
<input checked="" type="radio"/> aye	no