

Appendix A

SAMPLE ORDINANCE

AN ORDINANCE RELATING TO WATER SHORTAGES; AUTHORIZING DECLARATION OF AN EMERGENCY; DEFINING EMERGENCY; PROVIDING FOR PROCLAMATION AND ORDER; REQUIRING PUBLICATION OF PROCLAMATION; SPECIFYING DURATION; PROVIDING FOR APPEALS; ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE (council/board/commission) OF THE (city/town) OF _____, OKLAHOMA:

SECTION 1. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the (mayor/city manager) is hereby authorized to restrict or prohibit the use of water from the (city's/town's) water system.

SECTION 2. An emergency exists whenever the (mayor/city manager) reasonably determines that the (city's/town's) water system is unable or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 3. Upon the determination that such an emergency exists the (mayor/city manager) shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the (city/town) system. Such an order may (1) restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme and (2) prohibit usages not essential to public health and safety. The order may be revised from time to time as the (mayor/city manager) deems necessary.

SECTION 4.A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the (city/town) or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the (city/town). The emergency shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the emergency.

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 notice of the proclamation may be given by any 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 paragraph A of this