

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-405 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN TO REQUIRE YEAR ROUND CONSERVATION RESTRICTIONS AND PROVIDE FOR ADDITIONAL CONSERVATION STAGES IN ACCORDANCE WITH THE CITY OF NORMAN WATER CONSERVATION, AND SET FORTH THE REQUIREMENTS FOR VARIANCES THEREFROM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 21-405 of Chapter 21 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 21-405. Water ~~shortage~~conservation.**

- (a) The City Manager has full authority to impose and enforce water conservation stages in accordance with the City of Norman Water Conservation Plan, as may be amended from time to time.
- (b) Unless a subsequent conservation stage of the Water Conservation Plan is implemented requiring more limited water use, all users of the City water system shall limit landscape watering year round in accordance with Stage 1, Normal Conservation of the City of Norman Conservation Plan as follows:
  - (1) Users shall water landscaping on odd or even days depending on address, meaning even numbered addresses shall only water landscape on even numbered dates and odd numbered addresses shall only water landscape on odd numbered dates.
  - (2) Hand watering landscaping is allowed at all times.
- (c) Temporary variances from the requirements of any stage of the Water Conservation Plan may be requested by any accountholder of the water system for consideration by the City Manager or his or her designee who shall decide whether or not to grant the variance in accordance with the following provisions:
  - (1) Variances will not be considered for inconvenience.
  - (2) The variance will only apply to the property specifically listed in the variance.
  - (3) The variance will only apply to the accountholder applying for and granted variance.
  - (4) The variance may be terminated or suspended at any time and for any reason by the City Manager or his designee.
  - (5) No person or entity has any property or personal right or interest in the continuance or the continuing operation of the variance.

(6) All variances will be automatically suspended should Stage 5 Emergency Conservation be implemented.

(7) Applicants do not have any right to the issuance of a variance.

(8) The City may adopt a fee for the application, review, issuance, and regulation of variances.

(9) Variances will be considered for the following circumstances:

i. Existing in-ground water irrigation system is determined to make compliance physically impossible.

ii. Newly-installed landscapes may be approved for a variance to allow additional watering days following installation of the landscape for a reasonable time period.

iii. Special circumstances as long as the applicant can demonstrate special circumstances and extreme hardship to the satisfaction of the City Manager or his designee and the granting of the variance will not cause an immediate significant reduction in the City's water supply.

(d) Failure to comply with the provisions of this section and any variance granted thereunder shall be punishable in accordance with Section 21-501 of this Code.

~~(a) Should a shortage occur in the City water system, the City Manager may declare an emergency and shall immediately give notice by publication to all users of the City water system that the water from that system is to be utilized for domestic uses only, and for other uses which the City Manager may specifically designate.~~

~~(b) Thereafter, and until the City Manager proclaims the emergency to be ended, no person shall use water from the City water system other than as designated in the City Manager's proclamation and notice.~~

~~(c) The City Manager's notice shall be published at least once in a daily newspaper published within and having a general circulation in the City of Norman; one copy of such proclamation and notice, and proof of publication shall be filed with the City Clerk.~~

~~(d) Any person feeling aggrieved by such regulation may present the same to the Council, which shall hear and determine the same, and make such order as it deems just and proper.~~

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Cindy Rosenthal, Mayor