

Utilities

**PART 17**

**UTILITIES**

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SECTION 17-101 LEASE OF UTILITIES TO AUTHORITY.

The town has leased its water, sanitary sewerage, natural gas and refuse systems and facilities and all future additions thereto to the Sperry Utility Services Authority, a public trust with its beneficiary being the Town of Sperry, Oklahoma.

SECTION 17-102 AUTHORITY RULES ADOPTED BY REFERENCE,  
PENALTY.

Rules and regulations adopted by the Sperry Utility Services Authority are hereby adopted and incorporated herein by reference, applicable as if fully set forth herein. Any violation of the rules and regulations of the Authority shall be punishable as provided in Section 1-108 of this code.

**CHAPTER 2**

**WATER SHORTAGES**

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SECTION 17-201     AUTHORITY OF TOWN BOARD IN EMERGENCIES.

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 Town Board of Trustees is hereby authorized to restrict or prohibit the use of water from the town's water system.

SECTION 17-202     EMERGENCY CONDITIONS.

An emergency exists whenever the board of trustees reasonably determines that the town's water system is unable to 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 17-203     PROCLAMATION.

Upon the determination that such an emergency exists by the Board of Trustees, the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the town system. Such 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.
3. Restrict water usage in accordance with any water supply agreements which contractually mandates water usage restrictions upon notice of an emergency or inadequate supply or other event requiring the restriction of water usage from the water supplier.

This order may be revised from time to time as the town board of trustees deems necessary.

SECTION 17-204     PUBLICATION.

A.     The proclamation required by the preceding section shall be published in a newspaper of general circulation in the town, or if there is not 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 town. The emergency proclamation shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the proclamation.

B.     Whenever a sudden or unexpected event so reduces the availability of water or water pressure so as to create an immediate threat to public health and 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. If any such means is other than that required in Subsection A of this section, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

SECTION 17-205     PROCLAMATION TO LAST THIRTY DAYS.

A duly proclaimed emergency shall continue and the terms of the proclamation shall be in full force for thirty (30) days or until such time as the mayor or the town board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the town board of trustees by resolution approved by a majority of all its members extends the proclamation.

SECTION 17-206     APPEALS.

Any person feeling aggrieved by a proclamation restricting water usage shall have the right to present the matter to the next regular or special meeting of the town board of trustees or to any emergency session called to discuss the water emergency. The town board of trustees may exempt such aggrieved person, in whole or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the town board of trustees by a majority vote of all its members shall be final and binding as to the continuance of any of the terms of the proclamation. Until and unless the action of the board of trustees is modified or revoked by action of the town board of trustees, all water users shall be bound by the proclamation.

SECTION 17-207     PENALTY.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Each separate day of water use in violation of such proclamation shall constitute a separate offense. Violations of this

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chapter shall be punishable as provided in Section 1-108 of this code. The town may also take any further action deemed necessary to require compliance with the proclamation and order of the Board of Trustees regarding the restriction of water usage.