

COUNCIL POLICY 5-2

SUBJECT: Sale of Treated Water Outside the Municipal Limits to Individuals and Multi-Water Users.

PURPOSE: Title 11, "Cities and Towns," Oklahoma Statutes, Section 37-119 of Title 11 requires that the sale of water by a municipality outside the corporate limits (city limits) shall be done by contract. The purpose of this revised policy is to provide guidance to staff, elected officials, developers, and individual property owners regarding the requirements that must be followed for the approval of contracts for the sale of water by the City of Lawton to serve properties beyond Lawton's city limits.

BACKGROUND: The City of Lawton currently sells treated water to individuals and multi-water users located outside its city limits, which have resulted in numerous private water lines of varying sizes constructed under various and disparate construction standards. Such water lines are prone to leaks which, if not repaired correctly, can waste water and introduce contaminants into the water supply system.

Since the City cannot enforce its municipal codes outside of its limits, regulating the sale of treated water is a means to prevent the construction of substandard and undersized water lines and unsafe non complaint structures. It is for these reasons that the City must promulgate reasonable procedures for outside water sales.

POLICY: Upon the effective date of this policy, the sale of treated water outside the municipal limits of the City of Lawton will be subject to the following provisions:

A. The sale of treated water for a single water service to an individual that is adjacent to or abuts a public water main will be subject to the following provisions:

1. The property to be served must not be within the approved service area of a Rural Water District as defined by Title 82 Oklahoma Statutes Sections 1324.1 et seq. or any incorporated municipality.
2. Individual water service will require a tap of one inch (1") or larger, based on pressure and volume. A meter shall be required at the tap or connection of the service line to the public water main. The applicant shall pay for the installation of the meter, but the water meter remains the property of the City of Lawton. The tap of the water main and the installation of the water meter shall be performed by a licensed plumber and inspected and approved by the City's inspectors.
3. No service line taps shall be permitted on lines larger than twelve inches (12"). Service branch laterals of minimum size of eight inches (8") will be required to obtain service from a water main with a diameter larger than twelve inches (12"). This must be approved as a public water main extension and may require the dedication of easements to the City of Lawton.

4. The private service line extending from the water meter shall be on private property, and the applicant must show sufficient proof of their legal rights to use such property, such as an easement or proof of ownership.

5. City of Lawton building permits and building inspections shall be required on all structures being provided service.

6. The City will not accept any easements for private service lines, nor will it accept any maintenance responsibility for any private lines.

7. Improvements shall be in accordance with all local, state, and federal requirements and standards, relating to water systems.

8. A water connection will not be allowed without an approved sewage disposal system, as defined in Oklahoma Administrative Code (OAC) 252:641 or OAC 252:656.

9. The parcel to be served must abut or have an easement access to a public street.

10. If the public water line does not supply a minimum static pressure of forty-five (45) Pounds per Square Inch (PSI) with a residual pressure of twenty-five (25) PSI under fire flow conditions, the application shall be denied.

The contract will include a statement that the applicant understands that this agreement does not necessarily guarantee or provide water supply for fire suppression purposes.

B. The sale of treated water to multi-users and developers for subdivisions is subject to the following provisions:

1. The sale of treated water to new multi-users, associations, subdivisions and other developments will only be provided upon annexation into the city limits.

2. The expansion of multi-users, associations, subdivisions and other developments with existing water sales contracts with the City of Lawton will be considered on a case-by-case basis, depending on the terms of the water service agreement, as amended.

C. The sale of treated water to Rural Water Districts, as established by state statutes, and other cities and towns, may be allowed, by written agreement, to receive treated water subject to the following provisions:

1. The applicant may connect to the nearest public water supply and install a master meter with an approved backflow device.

2. Applicant will construct their own water line to supply water to the subject property.

3. Applicant must follow all applicable rules and regulations of the Oklahoma Department of Environmental Quality (ODEQ).

4. If at some time in the future, a City of Lawton public water line is extended, adjacent to the applicant's water line, the applicant shall abandon that portion of the applicant's system and connect to the public water main, to include resetting the master meter.

WATER CONTRACT PROCEDURE: Upon the effective date of this policy, the following is the procedure to purchase treated water outside municipal limits.

The Application to Purchase Treated Water Outside Municipal Limits can be obtained from the Legal Department in City Hall or found on the City's website:

<https://www.lawtonok.gov/departments/legal-services>

1. Submit completed application, with required attachments, and fee to the Legal Department.
2. The Legal Department will review the application and if it is in accordance with the approved policy, will coordinate with the Public Utilities Department to make a recommendation to council.
3. If the Public Utilities Department recommends approval, the Legal Department will draft a water contract and put it on the next available City Council meeting for final approval.
4. If the City Council approves a water contract, the applicant can apply for a building permit, then purchase a water meter and setup a new water service account.
5. If the City Council does not approve the water contract, the applicant may not reapply for water service for a period of six (6) months.

Any new structures outside city limits that receive City of Lawton water will be required to obtain building permits and inspections from the City of Lawton License and Permits Department.

WATER METERS MUST BE PLACED IN SERVICE WITHIN ONE YEAR FROM THE DATE CITY COUNCIL APPROVES THE CONTRACT OR FEES PAID WILL BE FORFEITED AND CONTRACT WILL BE VOID.


ALL APPROVED WATER CONTRACTS WILL RUN WITH THE PROPERTY. THE EXECUTED CONTRACT SHALL BE RECORDED IN THE OFFICE OF THE COMANCHE COUNTY CLERK AND SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND. ALL COVENANTS AND PROVISIONS OF THE CONTRACT SHALL BE BINDING ON THE OWNER AND ALL OTHER PERSONS SUBSEQUENTLY ACQUIRING ANY RIGHT, TITLE, OR INTEREST IN OR ON SAID PROPERTY.

REFERENCES: Oklahoma State Statutes, Lawton City Code, Utilities. Lawton City Code, Subdivisions, Department of Environmental Qualities.

EFFECTIVE DATE: This policy shall be effective on and after January 10, 2023

RESCISSION: This replaces council Policy 5-2 dated October 12, 1999.

RESPONSIBLE DEPARTMENT: Legal Department

A handwritten signature in blue ink, appearing to read "Stanley Booker", is written over a horizontal line.

STANLEY BOOKER
MAYOR

January 10, 2023