

Chapter 78

**NATURAL RESOURCES\***

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"Cross reference-Land development code, ch. 62.

## ARTICLE I. IN GENERAL

## Sec. 78-1. Drilling for, production of oil and gas.

It shall be unlawful for any person to drill or dig a well for oil or natural gas, or to produce oil or natural gas within the city. In addition to being an offense and punishable as such, such drilling, digging or production is also hereby declared to be a public nuisance and subject to abatement as a public nuisance.  
(Code 1974, § 8-21)

Secs. 78-2-78-25. Reserved.

## ARTICLE II. McALESTER WATER DISTRICT\*

## Sec. 78-26. Established.

Pursuant to the authority granted by 11 O.S. §§ 37-110-37-112, there is hereby established and designated by metes and bounds a water district, for the sanitary protection of the water supply of the city, which district shall be known as the McAlester Water District, and shall embrace all the lands in the county within the following described metes and bound-s:

Beginning at the southwest corner of section 2, township 6 north, range 14 east; thence due west along the south line of section 3, approximately 5,280 feet to the southwest corner of section 3; thence south 1,320 feet; thence in a southwesterly direction through section 9, approximately 6,600 feet to the southwest corner of section 9; thence south, approximately 2,640 feet; thence due west, approximately 7,920 feet to the center of section 18; thence due north, approximately 2,640 feet to the center of the north line of section 18; thence due west, approximately 2,640 feet to the northwest corner of section 18, township 6 north, range 14 east; thence due north on the section line between sections 7 and 12 (which is also the range line

between range 14 east and range 13 east) approximately 2,640 feet; thence due west through the center of section 12, township 6 north, range 13 east, approximately 5,280 feet; thence due west to the center of section 11, approximately 2,640 feet; thence in a northwesterly direction, approximately 3,960 feet to the northwest corner of section 11; thence in a northwesterly direction through section 3, township 6 north, range 13 east, approximately 5,785 feet which is the center of the north line of section 3 on the township line between townships 6 and 7; thence due north through section 34, township 7 north, range 13 east, approximately 5,280 feet to the center of the north line of section 34; thence due north, approximately 2,640 feet to the center of section 27; thence due east 2,640 feet to the center of the east line of section 27; thence due north 2,640 feet to the northeast corner of section 27; thence due east along the section line between sections 26 and 23, approximately 2,640 feet; thence north, approximately 2,640 feet to the center of section 23; thence due east, approximately 2,640 feet to the center of the east line of section 23; thence due east in section 24, approximately 1,980 feet which is approximately 660 feet west of the center of section 24; thence due north, approximately 2,640 feet to the north line of section 24; thence due north through section 13, approximately 5,280 feet; thence due east along the north line of section 13, approximately 3,300 feet to the northeast corner of section 13, township 7 north, range 13 east, which point is on the range line between ranges 13 and 14; thence due east along the north line of section 18, township 7 north, range 14 east, approximately 5,280 feet to the northeast corner of section 18; thence in a southeasterly direction through section 17, approximately 5,940 feet to the center of the south line of section 17; thence in a southeasterly direction through section 20 approximately 5,780 feet to the southeast corner of section 20; thence due east along the section line between sections 21 and 28, approximately 5,280 feet to the northeast corner of section 28; thence due east along the section line between sections 22 and 27, approximately 5,280 feet to the northeast corner of section 27; thence due east along the section line between sections 23 and 26, approximately 5,280 feet to

.Cross references-City watershed lakes, § 86-76 et seq.; water supply system, § 106-26 et seq.

State law reference-Water districts, 11 O.S. § 37-110 et seq.

the northeast corner of section 26; thence due east along the section line between sections 24 and 25, approximately 2,640 feet which is the center of the north line of section 25; thence in a southwesterly direction through section 25, approximately 5,780 feet, which point is approximately 1,320 feet east of the southwest corner of section 25; thence due south in section 36, approximately 2,640 feet; thence due west, approximately 1,320 feet to the center of the west line of section 36; thence due south along the line between sections 36 and 35, approximately 2,640 feet to the southwest corner of section 36, township 7 north, range 14 east, which point is on the township line between townships 6 and 7 and approximately 5,280 feet west of the range line between ranges 14 and 15; thence in a southwesterly direction through sections 2, 6 and 14, approximately 7,460 feet to the point of beginning which is the southwest corner of section 2, township 6 north, range 14 east.

(Code 1974, § 31-99)

State law reference-Authority to establish water district, 11 O.S. § 37-110.

Sec. 78-27. Rules, regulations of boards of health and health officers extended over district.

All rules and regulations of the state, county and city boards of health, the state commissioner of health and the county and city health officers respectively, now in force are hereby extended over and shall apply and have full force and effect within the water district established by this article. All such rules and regulations that may be lawfully made in the future shall extend over and have the same effect within such water district as within the limits of the city.

(Code 1974, § 31-101)

Sec. 78-28. Police power of city extended over district.

By virtue of the laws of the state, the police power of the city is hereby extended over all the lands embraced within the water district established by this article, and it is hereby declared that the laws, ordinances, resolutions, regulations and jurisdiction of the city, the city council, the courts and all proper officers of the city, in the

fullest degree conformable to law, extend over and apply to the entire water district for the protection of the public peace, safety and health of the inhabitants and the purity of the water supply of the city.

(Code 1974, § 31-100)

State law reference-Similar provisions, 11 O.S. § 37-110.

Sec. 78-29. Inspectors.

The city manager shall appoint one or more inspectors, whose duty it shall be to maintain, as nearly as may be, a continuous and complete oversight and inspection of the McAlester Water District and the watershed of the city's reservoir, under the direction of the city manager. Such inspectors shall note any violation of rules and regulations and also any cases of sickness existing within the water district or upon the watershed, and make a prompt report to the city manager, and shall perform such other duties as may be required by the city manager.

(Code 1974, § 31-102)

Sec. 78-30. General prohibition against pollution.

No person shall permit or cause any waste matter from oil or gas wells, or any salt water or other substance of any nature whatsoever that would pollute the water of the McAlester reservoir, as defined in section 78-31(1), to flow across, over or under any land in the McAlester Water District in such a manner that such waste matter, salt water or other substance will flow directly or ultimately into the McAlester reservoir or into any other reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the McAlester reservoir.

(Code 1974, § 31-103)

State law reference-Pollution of water supply prohibited, 11 O.S. § 37-115.

Sec. 78-31. Rules adopted.

The following rules are hereby ordained and declared to be in force within the McAlester Water District:

- (1) *Rule* 1. "Reservoir," when mentioned in these rules, means the McAlester reservoir

formed by impounding water of Bull Creek and the flowing wastebank in such streams and tributaries by the city's dam approximately in the center of the southwest quarter of section 2, township 6 north, range 14 east, which reservoir is within the McAlester Water District.

- (2) *Rule 2.* No cesspool, privy or other place for the reception, deposit or storage of human excrement shall be located, constructed or maintained within 3,000 feet of the high-water mark of the reservoir, or within 500 feet of the high-water mark of any other reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir, unless it is constructed according to the plans and specifications for sanitary vaults adopted by the city council and on file in the office of the city clerk; provided, however, that in no case, shall any such sanitary vault be located or constructed nearer than 300 feet to the high-water mark of Lake McHoma.
- (3) *Rule 3.* No human excrement shall be deposited or discharged into the reservoir or into any other reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir; and no human excrement shall be kept in a cesspool, privy or other receptacle, except as provided for in rule 2, situated within 3,000 feet of the high-water mark of the reservoir or within 500 feet of the high-water mark of any stream or body of water, the water of which flows or may flow directly or ultimately into the reservoir.
- (4) *Rule 4.* No human excrement or compost containing human excrement, or contents of any privy, cesspool, sewer or other receptacle for the reception or storage of human excrement, shall be deposited or discharged upon or into the ground at any place from which such excrement, compost or contents, or particles thereof, may flow or be washed or carried into the reservoir, or into any other reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir.
- (5) *Rule 5.* No house slops, sink waste, water which has been used for cooking or washing or other polluted water shall be discharged into the reservoir, or into any lake, pond, reservoir, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir. No nuisance shall be committed or permitted and no house slops, sink waste, water which has been used for cooking or washing or other polluted water shall be discharged upon or into the ground within 3,000 feet of the high-water mark of the reservoir, or into or upon the ground within 500 feet of the high-water mark of any stream, reservoir, lake, ditch, watercourse or other body of water which flows or may flow directly or ultimately into the reservoir.
- (6) *Rule 6.* No garbage, manure or other putrescible matter whatsoever shall be put into the reservoir or into any other reservoir, lake, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir, and no garbage, manure or putrescible matter whatsoever shall, except in the cultivation and use of soil in the ordinary methods of agriculture, be put upon the ground within 1,000 feet of the high-water mark of the reservoir, or within 500 feet of the high-water mark of any stream or body of water, the water of which flows or may flow directly or ultimately into the reservoir.
- (7) *Rule 7.* No stable, pigsty, barnyard, hen house, hog yard, hitching place or standing place for horses, cattle or other animals, or other places where animal manure is deposited or accumulated, shall be located, constructed or maintained, any part of which is within 3,000 feet of the reservoir or within 500 feet of the high-water mark of any stream or body of water, the water of which flows or may directly or ultimately flow into the reservoir.

- (8) *Rule 8.* No manufacturing refuse or waste or other substance which is or may be poisonous or injurious to human beings or animals, or other putrescible organic matter whatsoever, shall be discharged directly into, or at any place from which it may flow or be washed or carried into, the reservoir, or into any stream or body of water which flows or may flow directly or ultimately into the reservoir.
- (9) *Rule 9.* No manufacturing establishment at which more than five persons are employed, and no slaughterhouse or rendering establishment shall be located upon the watershed of the reservoir, unless the state board of health is first notified regarding such establishment, and consents thereto and issues permits therefor.
- (10) *Rule 10.* No hospital for the treatment of contagious or infectious diseases shall be located upon the watershed of the reservoir or within the McAlester Water District.
- (11) *Rule 11.* No person shall be permitted to bathe in the reservoir; and no person shall enter or go in any boat, skiff, raft or other contrivance on or upon the water of the reservoir, except in compliance with the ordinances, rules and regulations of the city regulating boats upon the waters of the reservoir.
- (12) *Rule 12.* If a case of sickness is found by the water district inspector, or by any official or employee of the city, or by any person residing on the watershed or within the water district, it shall be at once reported to the city manager, who shall promptly take such action as may be required.
- (13) *Rule 13.* It is hereby made the duty of any and all persons having any knowledge of the existence of any contagious or infectious disease or of any nuisance or violation of the law or of these rules within the limits of the McAlester Water District, to immediately report the same to the city manager, who shall at once take such action as the case may require.
- (14) *Rule 14.* No owner or occupant of land within the McAlester Water District shall permit the carcass or any part of any dead animal to remain on land under his control within such district. It shall be the duty of all owners or occupants of land within such district to immediately remove all dead animals from or upon their premises to points not less than 3,000 feet from the high-water mark of the reservoir, and not less than 500 feet from the high-water mark of any other reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the reservoir.
- (15) *Rule 15.* Persons are hereby permitted to occupy the shores of the reservoir for residential or camping purposes, provided they comply with all the rules and regulations of the city governing the McAlester Water District.  
(Code 1974, § 31-104)
- Sec. 78-32. Authority of council to adopt additional rules, change boundaries of district.
- The city council may, from time to time, promulgate such additional rules and regulations relating to the McAlester Water District as may be deemed advisable, by resolution duly published and served as provided by law, and may by ordinance extend, modify or change the metes and bounds of such water district, so as to embrace any additional lands directly or indirectly flowing or shedding into the city's reservoir basin.  
(Code 1974, § 31-105)
- State law reference-Service and posting of rules and regulations governing water district, 11 O.S. § 37-111.

Chapters 79-81

**RESERVED**