

ORDINANCE NO. 553 WATER DROUGHT/EMERGENCY

An ordinance authorizing the declaration of one of three progressive stages of a water supply conservation and/or water supply shortage which shall conserve or curtail the use of water within the City of Quinter ("the City"); establishing three stages of water conservation measures for the City; a water watch, warning, or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be it ordained by the Governing Body of the City of Quinter:

Section 1. PURPOSE: The purpose of this ordinance is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

Section 2. DEFINITIONS:

- A) "Water," as the term is used in this ordinance, shall mean water available to the City of Quinter for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any site.
- B) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of sales, a cash charge is made at the site of delivery.
- C) "Waste of water," as the term is used in this ordinance, includes, but is not limited to:
 - 1) Permitting water to escape down a gutter, ditch, or other surface drain, or
 - 2) failure to repair a controllable leak of water due to defective plumbing.
- D) The following "Classes" of uses of water are established:

Class 1: Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2: Water used for any commercial, agricultural, or industrial purposes: except water necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests while such employees are engaged in the performance of their duties at their place of employment.

Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4: Water is necessary only to sustain human life and the lives of domestic livestock pets and maintain standards of hygiene and sanitation.

Section 3. STAGES: In the event that the governing body of the City determines that the City's water supply may be in subject to a shortage in supply or there is need for conservation of City's water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in Section 3A) or, in times of need and/or duress, the governing body of the City may choose to declare any section of the program described in Section 3 in effect at any time:

- A) **STAGE 1: DECLARATION OF WATER WATCH.** Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon the publication in the official city newspaper and/or city website.
- B) **STAGE 2: DECLARATION OF WATER WARNING.** Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon the publication in the official city newspaper and/or city website. Pursuant to the approval of the Chief Engineer, Kansas Department of Agriculture - Division of Water Resources, the recommended restrictions on nonessential uses may be extended to private wells within the City limits.
- C) **STAGE 3: DECLARATION OF WATER EMERGENCY.** Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon the publication in the official city newspaper and/or city website. Pursuant to the approval of the Chief Engineer, Kansas Department of Agriculture - Division of Water Resources, the mandatory restrictions on water use may be extended to private wells within the City limits.

Section 4. VOLUNTARY CONSERVATION MEASURES: Upon the declaration of a water watch or water warning as provided in Sections 3 and 4, the Mayor, City Administrator, and/or City Clerk are authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

- A) Sprinkling of water on lawns, shrubs, or trees.
- B) Washing of automobiles.
- C) Use of water in swimming pools, fountains, and evaporative air conditioning systems.
- D) Waste of water.

Section 5. MANDATORY CONSERVATION MEASURES: Upon the declaration of a water supply emergency as provided in Section 3C), "the Mayor, City Administrator, and/or City Clerk" are also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

- A) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered by the City prior to the effective date of the declaration of the emergency.
- B) Restrictions on the uses of water in one or more classes of water use as described in Section 2(D), wholly or in part.
- C) Restrictions on the sales of water at any facility(ies) or site(s).
- D) The imposition of water rationing based on any reasonable formula including, but not limited to:
 - 1) The percentage of normal use and/or per consumer restrictions.
 - 2) Complete or partial bans on the waste of water.
 - 3) Any combination of the measures in Sections 5(A-D) as the governing body of the City, or an authorized city official may deem appropriate and/or necessary.

Section 6. EMERGENCY WATER RATES: Upon the declaration of a water supply emergency as provided in Section 3C), the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- A) Higher charges for increasing usage per unit of use (increasing block rates);
- B) Uniform charges for water usage per unit of use (uniform unit rate); or
- C) Extra charges more than a specified level of water use (excess demand surcharge).

Section 7. REGULATIONS: During the effective period of any water supply emergency as provided for in Section 3C), "the Mayor, City Administrator, and/or City Clerk" are empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 8. VIOLATIONS, DISCONNECTIONS, & PENALTIES: If the Mayor, City Administrator, City Clerk, Public Works Director, or other authorized city official or officials charged with implementation and enforcement of this ordinance, or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 5 or 7 of this ordinance, the authorized person shall abide by the following procedure(s):

- A) A written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/or any other person known to the City to be responsible for the violation and/or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable for such correction, cure, or abatement under the circumstances.

B) In the event the violation is not cured within the specified time given and following the procedure pursuant with Section 8A), the City may terminate water service to the customer subject to the following procedure:

- 1) The City shall give the customer notice by mail or actual notice that water service will be discontinued by a specified time due to the violation(s) and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body.
- 2) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to Subsection B). In the event of continuous violations of this ordinance, the reconnection fee shall be \$200.00 for the second reconnection and \$300.00 for any additional subsequent reconnections.
- 3) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense and may be subject to court fines and charges as deemed appropriate by this ordinance and the Municipal Court Judge. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00.

Section 9. EMERGENCY TERMINATION: Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination that emergency termination of water service is required to protect the health and safety of the public or for any other emergency as required or authorized by ordinance or as deemed necessity of the City by such city official or the governing body of the City.

Section 10. SEVERABILITY: If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

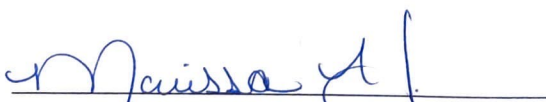
Section 11. PUBLICATION: This ordinance shall become effective upon publication in the Gove County Advocate, the Official City newspaper.

PASSED AND ADOPTED by the Quinter City Council and approved by the Mayor of the City of Quinter, this 23rd day of October 2023.

ATTEST:

SEAL:


Jeremy Blackwill, Mayor


Marissa Hatfner, City Clerk

