

Article 5. Water Drought/Emergency

16.5.1. Purpose.

The City of Bel Aire is governed by water restriction regulations imposed by the City's purchased Water supply vendors, the City of Wichita and Chisholm Creek Utility Authority. These jurisdictions must protect their ability to supply water to Bel Aire and their other customers during all levels of Water supply conditions and they require their customers' contractual compliance with conservation regulations as a condition of providing a Water supply. Accordingly, the City will address Water shortage problems through variable use restrictions to be applied in stages based on water supply conditions. Each stage is more restrictive than the previous stage as water supply conditions deteriorate. As Water supply conditions improve, restrictions may be removed using the same staged process. The City Manager is authorized to declare a Water watch, warning or emergency, and to implement voluntary and mandatory water conservation measures throughout the City when the trigger thresholds are reached for a watch, warning or emergency as set out in this ordinance, the Municipal Water Conservation and Emergency Water Supply Plan.

16.5.2. Definitions.

A. Water, as the term is used in this Article, shall mean Water available to the City of Bel Aire for treatment and distribution by virtue of its water rights or any treated Water from other jurisdictions introduced by the City into its municipal water system, including water offered for sale at any coin-operated site.

B. Customer, as the term is used in this Article, shall mean the account holder(s) using Water for any purpose from the City's water system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

C. Waste of Water, as the term is used in this Article is the use of Water in a nonproductive manner, and 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. Municipal Water Conservation Plan, as the term is used in this Article, is the organized set of policies and procedures which the City uses to address Water supply shortages. That Plan must comply with the requirements of K.A.R. 28-15-18.

E. The following classes of uses of Water are established:

1. Class 1: Water used for public or private outdoor irrigation of gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; non-commercial washing of motor vehicles, boats, trailers, or washing the exterior of any building or structure.
2. Class 2: Water used for any commercial or industrial, including agricultural, purposes except Water actually necessary to maintain the health and personal hygiene of bona fide

employees while such employees are engaged in the performance of their duties at their place of employment.

3. Class 3: Domestic Water usage, other than that which would be included in either Class 1 or 2.
4. Class 4: Water use as necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

16.5.3. Declaration of Water watch.

A. Whenever the City Manager deems that conditions indicate that the probability of a drought or some other condition causing a major Water supply shortage is rising, he or she may declare that a Water watch exists and to require that City staff inform the public of the Water watch and ask for voluntary reductions in Water use through local media. The Water watch will continue until it is declared by the City Manager to have ended. If not already issued, a Water watch notification would be issued under conditions triggering Stage 1 of the Municipal Water Conservation Plan.

B. The Water Watch Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage has fallen below 70% capacity and has a slower than normal recovery rate
2. Demand for any single day is in excess of 1.6 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 1 Water Watch.

16.5.4. Declaration of Water warning.

A. Whenever the City Manager finds that drought conditions or some other condition causing a major Water supply shortage are present and Water supplies are starting to decline, he or she will declare that a Water warning exists, will recommend restrictions on nonessential uses while the Water warning is in effect and will require City staff to inform the public through local media. The Water warning will continue until it is declared by the City Manager to have ended. A Water warning notification would be issued under conditions triggering Stage 2 of the Municipal Water Conservation Plan.

B. The Water Warning Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 60% capacity
2. Demand for any single day is in excess of 1.8 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 2 Water Warning.

16.5.5. Declaration of Water emergency.

A. Whenever the City Manager finds that a Water emergency exists due to a shortage of Water supply needed for essential uses, he or she shall declare that a Water supply emergency exists and will impose mandatory restrictions on Water use during the period of the emergency. The City Manager will

require City staff to notify the public of the mandatory restrictions through local media. The Water emergency will continue until it is declared by the City Manager to have ended. A Water emergency notification would be issued under conditions triggering Stage 3 and Stage 4 of the Municipal Water Conservation Plan.

B. The Water Emergency Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 50% capacity
2. Demand for any single day is in excess of 2.0 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 3 Water Emergency
4. Emergency conditions related to municipal water system repairs or Water supply quality control

16.5.6. Voluntary conservation measures.

A. Upon the declaration of a Water Watch as provided in Section 16.5.3 the City Manager shall request all Water Customers to employ voluntary Water conservation measures to limit or eliminate Class 1 Water uses including, but not limited to:

1. Curtailing of some outdoor water use
2. Employing efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

B. Upon the declaration of a Water Warning as provided in Section 16.5.4, the City Manager shall request all Water Customers to employ voluntary water conservation measures to limit or eliminate Class 1 Water uses and to mandate appropriate Water Use limitations on Class 1 and 2 Water uses including, but not limited to, the following:

1. A City-wide lawn watering schedule applied through the use of designated zones
2. Any mandatory restrictions required by any of the City's Water supply vendors

16.5.7. Mandatory conservation measures.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5 the City Manager shall implement certain mandatory Water conservation measures, including, but not limited to, the following:

1. Suspension of new connections to the City's Water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency
2. Restrictions on the uses of Water in one or more classes of Water use, wholly or in part
3. Restrictions on the sales of Water at coin-operated facilities or sites;

4. The imposition of Water rationing based on any reasonable formula. Rationing upon any of the following criteria will be per se reasonable: a percentage of normal use; per capita based on Customers or restrictions per account holder
5. Complete or partial bans on the Waste of Water; and
6. Any combination of the foregoing measures

B. The City will adopt and enforce as its own act any Water use restrictions contractually required of the City by any Water supply vendor resulting from a Water supply shortage experienced by that vendor.

C. Violation of any mandatory Water conservation measures shall be enforced through the City's municipal court as violations of this Code in conformance with the City's general penalty clause.

16.5.8. Emergency water rates.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5, the City Council shall have the power to adopt emergency Water rates by Resolution. Such temporary emergency Water rates should be designed to encourage conservation of the Water supply.

B. Such emergency rates may provide for, but are not limited to:

1. higher charges for increasing usage per unit of use (increasing block rates)
2. uniform charges for water usage per unit of use (uniform unit rate); or
3. additional charges in excess of a specified level of water use (excess demand surcharge).

16.5.9. Emergency regulations.

During the effective period of any Water emergency, the City Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any Water supply emergency Resolution, or emergency Water rate Ordinance.

16.5.10. Notice of disconnection for violation of regulations.

If the City Manager or other city official charged with implementation and enforcement of this Article or a Water Emergency Resolution learns of any violation of any Water use restrictions imposed pursuant to Section 16.5.7 or Section 16.5.9 of this Article, a written notice of the violation shall be affixed at the service location where the violation occurred and the account holder, any other person known to the City who is responsible for the violation or its correction, and any tenant of the premises known to the City, shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated within such specified time as the City determines is reasonable under the circumstances. Such notice shall also advise that failure to bring such condition or process into compliance within five business days of the delivery of such notice will subject the account holder to disconnection of municipal water service with no further notice. Proceeding in accordance with this Section shall not bar City staff from issuing citations for any violation as otherwise provided in this Chapter.

16.5.11. Disconnection (shut-off).

A. Upon verification that an account holder who was issued a Notice pursuant to Section 16.5.10 has failed to correct, cure or abate the identified violations of emergency Water regulations, the City may shut-off Water service to the service location upon which the violation(s) occurred until the City's code enforcement official verifies that the defect resulting in the disconnection has been cured.

B. City disconnection of Water service for failure to follow emergency Water regulations is subject to the following procedures:

1. After the City has given the customer notice as set out in 15.5.10 the account holder shall have the opportunity to appeal the termination by requesting a hearing scheduled before the City Manager within two business days from the expiration of the five-business day cure period.
2. If such a hearing is requested by the account holder charged with the violation, he or she shall be given an opportunity to be heard before termination is ordered; and
3. The City Manager shall make findings of fact and order whether service should continue or be terminated.

16.5.12. Reconnection.

The account holder shall pay a fee for reconnection of any municipal Water service disconnected pursuant to this Article. The fees imposed for violations of the City's emergency Water conservation regulations shall escalate from that of a first offense to a second offense, and from a second offense to a third and subsequent offense at levels set out in the City's Master Fee Schedule.. Standard administrative fees will also apply and all such fees must be paid in full before the City reinstates municipal water service.

16.5.13. Emergency termination.

Nothing in this Article shall limit the ability of any authorized City official from terminating the supply of Water to any account holder or tenant upon the determination of such City official that emergency termination of Water service is required to protect the health and safety of the public.