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**The City of Bel Aire, Kansas**

Ordinance No. \_\_\_\_

**AMENDMENTS TO WATER DROUGHT/EMERGENCY ORDINANCE**

An ordinance amending existing Ordinance No. 387 authorizing the declaration of a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures (Municipal Water Conservation Plan and the Emergency Water Supply Plan); authorizing the issuance of administrative regulations; prescribing certain penalties; and repealing the original affected sections of Ordinance No. 387.

Be it Ordained by the Governing Body of the City of Bel Aire.

Section 1. The purpose of this ordinance is to bring The City of Bel Aire's drought response measures into conformity with the requirements of the City of Wichita's Drought Response Plan established in the Wholesale Water Supply Contract created between the City of Bel Aire and the City of Wichita in 2018. All provisions of the City of Bel Aire's Water Drought/Emergency Ordinance No. 387 not affected by that contract shall remain in full force and effect.

Section 2. Section 5 of Ordinance No. 387 shall be amended to read as follows: "Declaration of Water Emergency. Whenever the City Manager finds that an emergency exists by reason of a shortage of water supply needed for essential uses, he or she shall be empowered to declare that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency by notifying the general public through local media, the City's website and/or radio stations. Such an emergency shall be deemed to continue until it is declared by the City Manager to have ended. A water emergency would be issued under the Stage 3 triggers of the Municipal Water Conservation Plan or whenever the City of Wichita triggers regulatory and enforcement measures under its drought response plan. The City of Wichita's measures, once triggered, are a contractual obligation tied to the wholesale supply of water sold to Bel Aire. The Governing Body of the City of Bel Aire hereby empowers the City Manager to implement all such measures necessary to comply with those contractual obligations."

Section 3. Section 7 of Ordinance No. 387 shall be amended to read as follows: "Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 5, the City Manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) 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,

- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water;
- (f) The City Manager may exempt certain uses of water from mandatory conservation measures on express, reasonable criteria, and
- (g) Any combination of the foregoing measures.”

Section 4. Section 10 of Ordinance No. 387 shall be amended to read as follows:  
“Section 10. Violations. Disconnections and Penalties.

(a) If the City Manager or his or her designee 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 7 or 9 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

- (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
- (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.”

(c)

Section 5. 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 6. Effective Date. This ordinance shall become effective upon its publication in the official city newspaper.

Section 7. Repeal. Sections 2, 3, 7 and 10 of Ordinance No. 387 are hereby repealed. All sections of ordinance number 387 not in conflict herewith are not repealed and remain in full force and effect. All other ordinances or parts of other ordinances in conflict herewith are also repealed.

Passed by the governing body this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Jim Benage, Mayor

Attest:

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Melissa Krehbiel, City Clerk

Approved as to form only:

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Maria A. Schrock, City Attorney