

Exhibit A

Selected provisions from City of Wichita ordinances that apply to Bel Aire water customers during City of Wichita-declared drought responses.

Sec. 17.14.020. - Definitions.

(a) "Customer," as the term is used in this chapter means the customer of record using water for any purpose from the city's water distribution system and for which a regular charge is made.

(b) "Drought response plan" shall be the city's drought action plan, as may be supplemented or amended from time to time, on file with the city clerk.

(c) "Outdoor water," as the term is used in this chapter includes, but is not limited to: any water used through an irrigation system, an outdoor hose, or hand watering container outside of a physical structure.

(d) "Water," as the term is used in this chapter, means water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system.

(e) The following stages of drought response are established:

Stage 1: Triggered when the 12-month moving average of Cheney Reservoir's conservation pool level is between 70% and 89%.

Stage 2: Triggered when the 12-month moving average of Cheney Reservoir's conservation pool level is between 50% and 69%.

Stage 3: Triggered when the 12-month moving average of Cheney Reservoir's conservation pool level is between 35% and 50%.

Stage 4: Triggered when the 12-month moving average of Cheney Reservoir's conservation pool level is between 0% and 34%.

(f) For purposes of determining drought response stages, the term "conservation pool level" means the percentage of the conservation pool that is filled

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.030. - Declaration of drought stages.

The 12-month average of the conservation pool level in Cheney Reservoir is the basis for establishing drought stages, according to the levels provided in [Section 17.14.020](#). The public works & utilities director shall monitor the lake level in Cheney Reservoir. When the 12-month moving average of Cheney's conservation pool level indicates the existence of a drought response stage in accordance with [Section 17.14.020](#), the city manager will issue a public declaration of such drought response stage. Should the lake level at Cheney Reservoir subsequently exceed the maximum threshold of Stage 1 as provided in [Section 17.14.020](#), the city manager shall issue a public declaration that previously declared drought response measures are terminated.

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.040. - Stage 1 measures.

Upon the declaration of a Stage 1 drought response stage as provided in [Section 17.14.030](#), the city manager will call on all water consumers to employ voluntary water conservation measures to limit or eliminate water use. The city shall offer incentives or rebates to encourage indoor and outdoor water conservation. The city shall implement conservation measures in its own operations, in accordance with the drought response plan.

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.050. - Stage 2 measures.

Upon the declaration of a Stage 2 drought response stage as provided in [Section 17.14.030](#), the city manager will implement the mandatory water conservation measures set forth below. Food producing gardens utilizing drip irrigation or hand watering shall be Stage 2 exempt. Businesses that generate their core economic activity from usage of outdoor water shall be Stage 2 exempt. Such businesses include, but are not limited to, golf courses, car washes, nurseries, sod suppliers, and others identified by the city manager. The city shall implement water conservation measures in its own operations, including measures in the drought response plan and shifting some of the water allocation from Cheney Reservoir to other sources. Mandatory water conservation measures include the following and noncompliance by customers who are not Stage 2 exempt shall be subject to the penalties provided in Section 17.040.100:

(a) Restricting outdoor water usage to one day per week, in accordance with (b), below;

(b) Customers at real properties northwest of the Central & Broadway intersection may use outdoor water on Mondays; customers at real properties northeast of Central & Broadway may use outdoor water on Tuesdays; customers at real properties southwest of Central & Broadway may use outdoor water on Wednesdays; customers at real properties southeast of Central & Broadway may use outdoor water on Thursdays; no outdoor water can be used on Fridays, Saturdays, or Sundays by customers who are not Stage 2 exempt;

(c) Prohibiting all customers who are not Stage 2 exempt from using outdoor water from 10:00am until 8:00pm.

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.060. - Stage 3 measures.

Upon the declaration of a Stage 3 drought response stage as provided in [Section 17.14.030](#), the city manager will prohibit all usage of outdoor water by customers who are not Stage 3 exempt. Food producing gardens utilizing drip irrigation or hand watering shall be Stage 3 exempt. Businesses that generate their core economic activity from usage of outdoor water shall be Stage 3 exempt. Such business include, but are not limited to, golf courses, car washes, nurseries, sod suppliers, and others identified by the city manager. The city shall implement water conservation measures in its own operations, in accordance with the drought response plan. Any use of outdoor water outdoors by customers who are not Stage 3 exempt shall be subject to the penalties provided in Section 17.040.100.

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.070. - Stage 4 measures.

Upon the declaration of a Stage 4 drought response stage as provided in [Section 17.14.030](#), the city manager will implement mandatory water conservation measures for all customers, including prohibition of usage of outdoor water. No exemptions shall be provided from the prohibition on usage of outdoor water. The city shall implement all possible water conservation measures in its own operations. All customers, except those specifically exempted below, are required to reduce their water usage by 15% from their Average Winter Consumption, as defined in [Section 17.12.090](#), as it was most recently calculated as of the declaration of the Stage 4 drought response stage. Any noncompliance with the provisions of this section shall be subject to the penalties provided in Section 17.040.100.

Sec. 17.14.100. - Violations, disconnections and penalties.

(a) Upon violation of any water use restrictions imposed pursuant to Sections [17.14.050](#), [Section 17.14.060](#), or [17.14.070](#) of this chapter, written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to city enforcement personnel 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 manager or the city manager's designee determines is reasonable under the circumstances. If the order is not complied with, the city manager or the city manager's designee may assess an administrative fee or restrict water service to the customer in accordance with the standards in subsection (b), below, subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that an administrative fee will be assessed or water service will be restricted within a specified time due to the violation and that the customer will have the opportunity to appeal the administrative fee or restriction by requesting a hearing scheduled before the city manager or a person designated as a hearing officer by the city manager;

(2) If such a hearing is requested by the customer charged with the violation by the specified date, he or she shall be given a full opportunity to be heard before the fee is assessed or the restriction or termination is ordered;

(3) The city manager or hearing officer shall make findings of fact and order whether a fee should be assessed or service should continue or be restricted;

(4) In the event no hearing is requested by the specified date, full water service shall be reinstated when the city is no longer in a Stage 4 drought response stage, as provided in [Section 17.14.100](#)(e) and all administrative fees have been paid.

(b) Upon the first violation of any water use restrictions imposed pursuant to [Section 17.14.050](#) of this chapter, a written warning shall be issued. A second violation will result in an administrative fee of \$50. Subsequent violations will be punishable with an administrative fee of \$100 per violation.

(c) Upon the first violation of any water use restrictions imposed pursuant to [Section 17.14.060](#) of this chapter, a written warning shall be issued. A second violation will result in an

administrative fee of \$250. Subsequent violations will be punishable with an administrative fee of \$500 per violation.

(d) Upon the first violation of the outdoor water prohibition imposed pursuant to [Section 17.14.070](#) of this chapter, a written warning shall be issued. A second violation will result in an administrative fee of \$250. Subsequent violations will be punishable with an administrative fee of \$500 per violation and installation of a water flow restrictor. The flow restrictor will decrease the amount of water flowing through the meter to a customer and will not be removed until the city is no longer in a Stage 4 drought response stage.

(e) Upon the first violation of the required 15% reduction imposed pursuant to [Section 17.14.070](#) of this chapter, a written warning shall be issued. A second violation will result in an administrative fee of \$250. Subsequent violations will be punishable with an administrative fee of \$500 per violation and installation of a water flow restrictor. The flow restrictor will decrease the amount of water flowing through the meter to a customer and will not be removed until the city is no longer in a Stage 4 drought response stage.

(f) All administrative fees shall be subject to the same terms of payment that are set forth in [Section 17.12.100](#) for regularly scheduled water meter charges, following the completion of the procedures in subsection (a), above.

(g) In addition to disconnection/reconnection fees provided by [Section 17.12.090](#), a fee of two hundred dollars shall be paid for the reconnection of any water service restricted pursuant to this chapter.

(Ord. No. 49-585, § 1, 10-22-2013)

Sec. 17.14.110. - Emergency restriction and termination.

- (a) Nothing in this chapter shall limit the ability of any properly authorized city official from restricting or terminating the supply of water to any or all customers upon the determination of such city official that emergency restriction or termination of water service is required to protect the health and safety of the public.

Sec. 17.14.130. – Exemption---Watering from wells---Sign required.

- (a) Persons using water from a well for any class of use as defined in this chapter shall be exempt from the penalties of this chapter, pursuant to Section 17.14.130(b).
- (b) To qualify for the exemption, persons using water from a well as set forth in subsection (a) shall, while engaged in such use(s), display a sign with the words “well water” upon it in a location that is readily visible to the general public.