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ORDINANCE NO. _____

AMENDMENTS TO WATER DROUGHT/EMERGENCY ORDINANCE

**AN ORDINANCE OF THE CITY OF BEL AIRE, KANSAS CONCERNING
AMENDMENTS TO WATER DROUGHT/EMERGENCY RESPONSE
MEASURES; AUTHORIZING PERMANENT WATER RESTRICTIONS,
PRESCRIBING CERTAIN PENALTIES, AND CREATING CHAPTER 16,
ARTICLE 7, AND SECTIONS 16.07.01 THROUGH 16.07.05 OF THE CODE
OF THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, the purpose of this ordinance is to bring the City's Drought/Emergency Response Measures into conformity with the requirements of the City of Wichita's new Permanent Water Restrictions Ordinance which was adopted on August 26, 2025 and to be implemented on September 15, 2025; and

WHEREAS, the City of Bel Aire, Kansas (hereinafter the "City") is a customer that purchases water from the City of Wichita's water utility via a wholesale supply connection and is called upon to impose the following water use restrictions and penalties under its Wholesale Water Supply Contract created with the City of Wichita in 2018.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. Chapter 16, Article 7 of the Code of the City of Bel Aire, Kansas, to be entitled "Permanent Spray Irrigation And Outdoor Water Use Restrictions" is hereby created in the Code of the City of Bel Aire, Kansas, and will initially contain new sections 16.07.01 – 16.07.05.

SECTION 2. New Section 16.07.01 of the Code of the City of Bel Aire, Kansas is hereby created, to read as follows:

16.07.01 Definitions. The following words and phrases, whenever used in this Chapter, shall be construed as defined in this section:

(A) "Customer" means a person or persons, firm, corporation, or governmental unit furnished potable water by the City of Wichita's water utility.

(B) "Customer premise" means the metered location at which a retail

customer is furnished potable water by the City of Wichita's water utility.

(C) "Retail customer" means the customer(s) of record on the water utility account at any given customer premise.

(D) "Variance" means an exception from the restrictions in this Chapter, applied for and granted as approved by the City Manager or designee.

(E) "Water" means potable water furnished through the distribution system of the City of Wichita's water utility, and accordingly, does not include water drawn by customers from their own wells or water accumulated by customers from rainfall or natural storm runoff in rain barrels, cisterns, tanks, channels, basins, ponds or similar storage structures.

(F) "Watering" means outdoor use of water for irrigation, including irrigation with container, hose, drip or spray irrigation mechanisms.

(G) "Watering by spray irrigation" means a method of applying water through a network that may consist of pumps, valves, pipes, and sprinklers in a controlled manner so that it is distributed similar to rainfall.

SECTION 3. New Section 16.07.02 of the Code of the City of Bel Aire, Kansas, is hereby created to read as follows:

16.07.02 Restrictions on Watering. When no broader restrictions are in effect due to a drought emergency response, it shall nevertheless be unlawful for any customer to engage in or to permit another person to engage in watering at such customer's customer premises between the hours of 10:00 AM and 6:00 PM on any day.

SECTION 4. New Section 16.07.03 of the Code of the City of Bel Aire, Kansas, is hereby created, to read as follows:

16.07.03 Restrictions on Watering by Spray Irrigation. When no broader restrictions are in effect due to a drought emergency response, it shall nevertheless be unlawful for any customer to engage in or to permit another person to engage in watering by spray irrigation at such customer's customer premises:

- (a) No Watering between the hours of 10:00 AM and 6:00 PM on any day;
- (b) No Watering on Mondays
- (c) If the last numerical character in the address of the customer's metered customer

premises is an odd number: watering may only occur on Wednesday, Friday and Sunday (e.g., Wednesday watering before 10:00 AM or after 6:00 PM.)

If the last numerical character in the address of the customer's metered customer premises is an even number: watering may only occur on a Tuesday, Thursday, and Saturday (e.g., Tuesday watering before 10:00 AM or after 6:00 PM).

SECTION 5. New Section 16.07.04 of the Code of the City of Bel Aire, Kansas, is hereby created, to read as follows:

16.07.04 Variances. The City Manager or designee is hereby authorized and directed to establish criteria for granting variances from the restrictions in this chapter in cases where special circumstances attendant upon isolated and infrequent activity (such as seeding or sodding) may reasonably necessitate a limited period of daily watering by spray irrigation, when requested by retail customers. Provided, however, no such variances may be granted when drought emergency restrictions are in effect.

SECTION 6. New Section 16.07.05 of the Code of the City of Bel Aire, Kansas, is hereby amended to read as follows:

16.07.05 Violations and Penalties.

(a) Upon violation of any water use restrictions imposed pursuant to this Section 16.07.02 or Section 16.07.03 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 designee determines is reasonable under the circumstances. If the order is not complied with, the city manager or designee may assess an administrative fee 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 due to the violation and that the customer will have the opportunity to appeal the administrative fee by requesting a hearing scheduled before the city manager or a person designated as a hearing officer by the city manager;

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

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119 (3) The city manager or a person designated as a hearing officer by the
120 city manager shall make findings of fact and order whether a fee
121 should be assessed;

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123 (b) Upon the first violation of any water use restrictions imposed pursuant
124 to Section 16.07.02 or Section 16.07.03 of this chapter, a written warning shall
125 be issued. A second violation will result in an administrative fee of \$50.
126 Subsequent violations will be punishable with an administrative fee of \$100
127 per violation.

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129 (c) All administrative fees shall be subject to the same terms of payment that are
130 set for regularly scheduled water meter charges, following the completion of
131 the procedures in subsection (a), above.

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133 SECTION 7. Effective Date. This Ordinance shall take effect and be in force from and after
134 its adoption by the Governing Body of the City, approval by the Mayor, and publication once in
135 the official city newspaper.
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137 SECTION 8. Repeal. All other ordinances or parts of other ordinances in conflict herewith,
138 are repealed. All other ordinances or parts of other ordinances not in conflict herewith, are not repealed
139 and remain in full force and effect.

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ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 2nd day of September, 2025.

SIGNED by the Mayor on this _____ day of September, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney