

**ORDINANCE NO. G-1128**

**AN ORDINANCE RELATING TO water conservation, rationing and restrictions on water supply within the Water System IN THE CITY OF JUNCTION CITY, KANSAS by repealing Article V, entitled "Water Conservation, Rationing and Restrictions on Water Supply", of Chapter 700 "Water and Waterworks", of THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS; and by adopting a new Article V entitled "Water Conservation, Rationing and Restrictions on Water Supply" containing new Sections 700.500 through 700.550.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:**

**Section 1.** Article V, Chapter 700 of the Code of Articles of the City of Junction City, Kansas is hereby repealed;

**Section 2.** A new Article V is hereby added to Chapter 700 of the Code of Articles of the City of Junction City, Kansas to read as follows:

**ARTICLE V Water Conservation, Rationing and Restrictions on Water Supply.**

**SECTION 700.500: - PURPOSE**

The purpose of this Article is to conserve the water supply of the City, to meet the needs and demands of the citizens, to eliminate waste in the use of such water, and 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 700.505: - DEFINITIONS**

A. For the purposes of this Article the following terms shall be deemed to have the meaning indicated below:

*CUSTOMER:* 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 coin sales, a cash charge is made at the site of delivery.

*DOMESTIC USES:* Shall mean the use of water by any person or by a family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, and for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.

*OUTDOOR WATERING*: Shall mean the irrigation with potable water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial, or governmental purposes.

*PERSON*: Shall mean and include a natural person, a partnership, an organization, a corporation, a municipality and any agency of the state or federal government.

*WATER*: Water available to the City of Junction City 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 coin-operated site.

*WASTE OF WATER*: 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 control-label leak of water due to defective plumbing.

B. The following classes of uses of water are established:

1. *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 area; or the washing of motor vehicles, boats, trailers, or 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 usage, other than that which would be included in either classes 1 or 2.
4. *Class 4*. Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

#### **SECTION 700.510: - DECLARATION OF WATER WATCH**

Whenever the City Manager finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, the City Manager shall be empowered to declare that a water watch exists and shall take steps to inform the public and ask the public for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by the City Manager to have ended. The City Manager's determination that a water watch exists shall be subject to review by the Governing Body of the City at its next regular or special meeting.

## **SECTION 700.515: - DECLARATION OF WATER WARNING**

Whenever the City Manager finds that drought conditions or some other condition causing major water supply shortage are present and supplies are starting to decline, the City Manager shall be empowered to declare that a water warning exists and will recommend, to the Governing Body of the City, restrictions on non-essential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by the City Manager to have ended. The City Manager's determination that a water warning exists and the recommended restrictions shall be subject to review by the governing body at its next regular or special meeting. Restrictions will apply to all Customers within the City limits, if authority is delegated by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture under K.S.A. 82a-733(i).

## **SECTION 700.520: - 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, the City Manager shall be empowered to declare that a water supply emergency exists and 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 the City Manager to have ended. The City Manager's determination that a water emergency exists and the restrictions imposed shall be subject to review by the Governing Body at its next regular or special meeting. Restrictions will apply to all Customers within the City limits, if authority is delegated by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture under K.S.A. 82a-733(i).

## **SECTION 700.525: - VOLUNTARY CONSERVATION MEASURES**

Upon the declaration of a water watch or water warning as provided in Section 700.510 and 700.515, the City Manager is 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:

1. Sprinkling of water on lawns, shrubs or trees (including golf courses, unless supplied by well).
2. Washing of automobiles.
3. Use of water in swimming pools, fountains and evaporative air-conditioning systems.
4. Waste of water.

### **SECTION 700.530: - MANDATORY CONSERVATION MEASURES**

Upon the declaration of a water supply emergency as provided in Section 700.520, the City Manager is also authorized to 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 including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures.

### **SECTION 700.535: - EMERGENCY WATER RATES**

Upon the declaration of a water supply emergency as provided in Section 700.520, 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 to be 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. Extra charges in excess of a specified level of water use (excess demand surcharge).

### **SECTION 700.540: - REGULATIONS**

During the effective period of any water supply emergency as provided for in Section 700.520, 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. Such regulations shall be subject to the approval of the Governing Body at its next regular or special meeting.

## **SECTION 700.545: - VIOLATIONS, DISCONNECTIONS AND PENALTIES**

- A. If the City Manager, or other City official or officials charged with implementation and enforcement of this Article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to this Article, a 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 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 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. Any person violating any of the provisions of this Article is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by Section 100.090 of Article V, Chapter 100, Title I of this Code.

## **SECTION 700.550: - EMERGENCY TERMINATION**

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

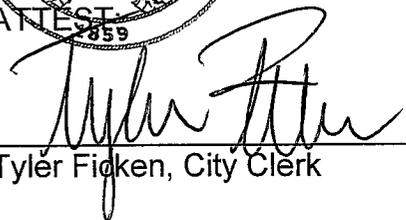
**SECTIONS 700.560 – 700.590 RESERVED**

**SECTION 3.** This Ordinance shall be in full force and effect from and after its publication as required by law.

**PASSED** by the Governing Body of the City of Junction City on July 2 2013 and signed by the Mayor.



  
Cecil Aska, Mayor

  
Tyler Ficken, City Clerk