

ORDINANCE 91-11

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 1, SECTION 15-120, 15-121 AND ADDING ARTICLES 4 TO THE CODE OF THE CITY OF GALENA, KANSAS, ESTABLISHING PROCEDURES, VOLUNTARY AND MANDATORY CONSERVATION MEASURES AND PRESCRIBING CERTAIN PENALTIES.

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

SECTION 1. That Chapter 15, Article 1, Sections 15-120 and 15-121 of the Code of the City of Galena hereby read as follows:

- 15-120. WATER RATIONING. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. (Code 1988)
- 15-121. SAME; PROCEDURE. Whenever the governing body determines that water use must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of made public the proclamation. Policy procedures, penalties and fines are set forth in Article 4.

SECTION 2. That the addition of Chapter 15, Article 4 of the Code of the City of Galena hereby read as follows:

ARTICLE 4. CONSERVATION PLAN

- 15-401 DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings, unless the context otherwise requires:
 - (A) "Water" shall mean water available to the City of the City's water service area 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.
 - (b) "Consumer" shall mean any person 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.
 - (c) "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 controllable leak of water due to defective plumbing.

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 areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

CLASS 2

Water used for any commercial or industrial,

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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.

CLASS 3

Domestic usage, other than that which would be included in either Classes 1 or 2.

CLASS 4

Water necessary only to sustain human life and the lives of domestic pets and maintain minimum standards of hygiene and sanitation.

15-402. DECLARATION OF A WATER EMERGENCY. Whenever conditions of drought, water supply shortages, excessive use of water, or other causes, result in conditions where an emergency exists be reason of a shortage of water supply needed for essential uses, the Mayor or City Superintendent or other persons designated, shall be empowered to declare that water supply emergency exists and that the City will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be approved or disapproved by the Governing Body, at its regular or emergency meeting and if approved shall be deemed to continue until it is declared by appropriate action and/or resolution of the Governing Body to have ended. The action declaring the end of a water supply emergency shall be effective upon its publication in the official City newspaper and may be publicized additionally through the general news media or any other appropriate method of making such action public.

15-403. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 15-402, the Mayor or City Superintendent or other persons designated 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, limitation on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water.

15-404. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 15-402, the Mayor or City Superintendent or other persons designated 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; or limitations on usage during peak usage consumption.
- (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

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to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

15-405. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 15-402, 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 not be limited to: (a) higher charges for water usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of specified level of water use (excess demand surcharge).

15-406. REGULATIONS. During the effective period of any water supply emergency as provided for in Section 15-402, the Mayor, City Superintendent or other persons designated, is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, and/or recommended 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 emergency meeting.

15-407. VIOLATIONS, DISCONNECTIONS, AND PENALTIES. (a) If the Mayor, City Superintendent or other City Official or Officials 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 15-404 and 15-406 of this ordinance, a written notice of violation shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other persons known to the City who is responsible for the violation or its correction. 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 consumer subject to the following procedures:

1) The City shall give the consumer notice by mail that water service will be discontinued within a specified time due to the violations and the consumer 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 consumer 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 violation and \$300 for any additional violations.

(c) Penalty. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars (\$100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned. Each day's violation shall constitute a separate offense.

15-408. 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 effected thereby.

SECTION 3. All provisions of ordinances which are inconsistent with any provision of this ordinance are hereby repealed.

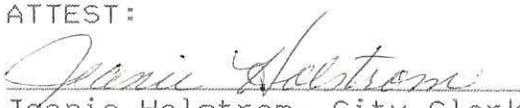
SECTION 4. The ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED THIS 29 DAY OF November, 1991.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

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