

ORDINANCE NO. 4435

AN ORDINANCE ADOPTING A DROUGHT RESPONSE CONSISTENT WITH THE MUNICIPAL WATER CONSERVATION PLAN FOR THE CITY OF INDEPENDENCE

Be it ordained by the governing body of the City of Independence, Kansas:

SECTION 1. REPEAL: Ordinance No. 3979 is hereby repealed.

SECTION 2. DROUGHT RESPONSE

The following drought response is hereby adopted consistent with the water conservation plan for the City of Independence.

SECTION 3. STAGE 1: WATER WATCH

Goals: The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25%.

A. Triggers

This stage is triggered by any one of the following conditions:

1. The city's storage has fallen below 85% capacity and will not recover; or
2. The Elk City Reservoir elevation is 3 feet below normal seasonal level; or
3. Water has stopped flowing over the City's dam on the Verdigris River; or
4. Demand for one day is in excess of 4.2 million gallons per day; or
5. The Kansas Water Office has issued a Stage 1 Water Watch based upon the remaining water marketing storage in Elk City Reservoir; or
6. The provider of purchased water has issued a Stage 1 Water Watch; or
7. The Kansas Water Office has issued a Stage 1 Water Watch based upon the remaining water assurance storage in the Water Assurance District lakes.

B. Education Actions

1. The City will make weekly news releases to local media describing the present conditions and indicating the water supply outlook for the upcoming week.

2. Previous months' summaries of precipitation, temperature, water levels in storage will be made public at the beginning of each month.
3. Water saving tips will be included in billing statements sent to water utility customers.

C. Management Actions

1. Leaks will be repaired within 48 hours of detection.
2. The city will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.
3. System pressure will be maintained below 80 PSI.
4. Leaky valves and hydrants will be replaced immediately.

D. Regulation Actions

1. The public will be asked to curtail some outdoor water use and to make efficient use of indoor water, i.e., wash full loads, take short showers, don't let faucets run, etc.

SECTION 4. STAGE 2: WATER WARNING

Goals: The goals of this stage are to reduce peak demands by 20% and to reduce overall weekly consumption by 10%.

A. Triggers

This stage is triggered by any one of the following conditions:

1. The City's storage has fallen below 70% capacity, and will not recover; or
2. Treatment plant operations are at 80% capacity or more for three (3) consecutive days; or
3. The Elk City Reservoir elevation is 5 feet below normal seasonal levels; or
4. Water is 1 foot below the City's dam on the Verdigris River; or
5. Demand for one day is in excess of 4.5 million gallons per day; or
6. The Kansas Water Office has issued a Stage 2 Water Warning based upon the remaining water marketing storage in a water marketing lake; or
7. The provider of purchased water has issued a Stage 2 Water Warning; or

8. The Kansas Water Office has issued a Stage 2 Water Warning based upon the remaining water assurance storage in the Water Assurance District lakes.

B. Education Actions

1. The City will make daily news releases to the local media describing present conditions and indicating the water supply outlook for the upcoming week.
2. Previous weeks' summaries of precipitation, temperature, water levels in storage will be made public each week.
3. Water conservation articles will be provided to the local newspaper.
4. The City will place inserts in customers' water bills outlining tips on conserving water indoors and outdoors.

C. Management Actions

1. Water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. The City will curtail its water usage, including operation of fountains, watering of city grounds, and washing of vehicles.
4. Reserve supplies will be prepared for use.
5. Intakes will be adapted to operate with low flows.

D. Regulation Actions

1. The City must initiate its drought warning portion of its drought contingency plans.
2. The City will implement the following actions:
 1. An odd/even lawn watering system will be imposed on City residents. Residents with odd-numbered addresses will water on odd days; even-numbered addresses will water on even days.
 2. Outdoor water use, including lawn watering, car washing will be restricted to before 10:00 am and after 9:00 pm.
 3. Golf courses will restrict water to tees and greens after sunset.

4. Refilling of swimming pools will be allowed one day per week after sunset.
5. Outdoor watering will be restricted to hand-held hose or bucket only.
6. Excess water use charges for usage of water over the amount used in the winter will be considered.
7. Waste of water will be prohibited.

SECTION 5. STAGE 3: *WATER EMERGENCY*

Goals: The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25%.

A. Triggers

This stage is triggered by any one of the following conditions:

1. The city's storage has fallen below 50% capacity; or
2. Treatment plant operations are at 90% capacity or more for three (3) consecutive days; or
3. The Elk City Reservoir elevation is 7 feet below normal seasonal levels; or
4. Water is 2 to 3 feet below the City's dam on the Verdigris River; or
5. Demand for one day is in excess of 4.5 million gallons per day; or
6. The Kansas Water Office has issued a Stage 3 Water Emergency based upon the remaining water marketing storage in a water marketing lake; or
7. The provider of purchased water has issued a Stage 3 Water Emergency; or
8. Emergency conditions exist relating to repairs of water quality; or
9. The Kansas Water Office has issued a Stage 3 Water Emergency based upon the remaining water assurance in the Water Assurance District lakes.

A. Education Actions:

1. The City will make daily news releases to the local media describing present conditions and indicating the water supply outlook for the next day.
2. Previous days' summaries of precipitation, temperature, water levels in storage will be made public each day.
3. The City will hold public meeting to discuss the emergency, status of the water supply and further actions, which need to be taken.

B. Management Actions

1. Water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. The City will seek additional emergency supplies from other users, the state or the federal government.

C. Regulation Actions

1. Outdoor water use will be banned.
2. Waste of water will be prohibited.

SECTION 6: *DEFINITIONS*

As used in this ordinance, “waste of water” includes, but is not limited to, permitting water to escape down a gutter, ditch, or other surface drain; or the failure to repair a controllable leak of water due to defective plumbing.

SECTION 7: *DROUGHT RESPONSE DECLARATIONS*

Should a water supply emergency exist, the governing body shall have the power to declare the existence of, a water watch, water warning, or water emergency, as the case may be and authorize city staff to enforce the regulation actions set forth in this ordinance. The declaration of a water supply emergency shall be made by a resolution adopted by the governing body, and shall continue in effect until such time as the governing body adopts a resolution terminating the same. The resolution declaring the existence and end of a water supply emergency shall be effective upon the publication in the official City newspaper.

SECTION 8: *EMERGENCY WATER RATES*

Upon the declaration of a water supply emergency as set forth in this ordinance, the governing body shall have the power to adopt emergency water rates by ordinance designed to conserve water supply. The emergency rates may provide for, but are not limited to, the following:

- A. Higher charges for increasing usage per unit of use (increasing block rates); or
- B. Uniform charges for water usage per unit of use (uniform unit rate); or
- C. Extra charges in excess of a specified level of water use (excess demand surcharge).

SECTION 9: VIOLATIONS, ENFORCEMENTS AND PENALTIES

A. Violations:

Any person or entity committing any act which is in violation of this ordinance shall be guilty of an unclassified code violation.

B. Enforcement:

If any person or entity violates this ordinance, any law enforcement officer, code enforcement officer, or other person designated by the City Manager may take any one or more of the following actions:

1. A verbal or written warning may be issued advising the offending party to cease and desist the activity which is in violation of this ordinance. City staff shall maintain a register of the date and time of all such warnings issued.
2. A citation to the Municipal Court may be issued to the offending party for any violation of this ordinance.
3. In extreme cases involving waste of water or violations occurring during a Stage 3 Water Emergency, the water supply to the offending party may be shut off at the meter until compliance with this ordinance is assured.

C. Penalty:

Any person or entity found guilty in the Municipal Court of a violation of this ordinance may be fined up to \$500.00 for the first offense, or up to \$1,000 for the second or subsequent offense.

SECTION 10: EMERGENCY TERMINATION

Nothing in this Ordinance shall limit the ability of the City Manager, or his designee, from terminating the supply of water to any or to all customers upon the determination that an emergency termination of water services required to protect the health safety and welfare of the general public.

SECTION 11: SEVERABILITY

If any provision of this ordinance is declared unconstitutional, or the application there of to any person or circumstance is held to be invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

SECTION 12: This ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the governing body of the City of Independence, Kansas on the 28th day of September, 2023.

CITY OF INDEPEDNECE

Louis Ysusi, Mayor

ATTEST:

David W. Schwenker