



Municipal Water Conservation Plan For The City Of Leoti Kansas



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INTRODUCTION

The primary objectives of the Water Conservation Plan for the City of Leoti are to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought Response Section) to assure the City customers of an adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

The City of Leoti has undertaken a number of steps to ensure a dependable water supply for our customers during the past. The water system of Leoti, Kansas, consists of two water towers, two ground storages, nine wells, and line mains ranging from 2 inch to 12 inch piping. The City uses a bottled gas chlorination system and serves approximately 1,540 people. The City of Leoti has two towers; one with a 250,000 gallon capacity, and one with a 50,000 gallon capacity. There are two ground water storages; one with a capacity of 500,000 gallons, and one with a 250,000 gallon capacity. The City's designated wells are 5, 7, 8, 10, 11, 13, 14, 15 and 16. Wells 11, 13 and 14 are standby wells. Through funding from USDA Rural Development, improvements underway include a water treatment plant to remove nitrate contaminates. During the same series of projects, improvements will also be made to the S.C.A.D.A. and controls system as well as ground storage tank rehabilitation. These improvements are scheduled to be completed by the end of 2015.

The City of Leoti believes that our Municipal Water Conservation Plan represents an additional major step in ensuring our customers of a dependable water supply in future years.

LONG-TERM WATER USE EFFICIENCY

Water Use Conservation Goals

The City of Leoti used 208 gallons per person per day (GPCD) in 2011. This GPCD figure included:

Water sold to residential and commercial customers; and,
Water distributed for free public services (City Park, WCM Golf Course clubhouse, County Swimming Pool, County Fairgrounds, City Ball Fields, City Shop, City Hall, LVFD Fire Barn, etc.); and,
Water lost by leaks in the water distribution system.

However, the GPCD figure does not include municipally supplied water for industries that use over 200,000 gallons per year. According to Figure 1, shown in the [2011 Kansas Municipal Water Use Publication](#), our City is located in Region 2. From this publication, it was determined that our City GPCD water use was 208, which was 12 percent below the regional average of 237 GPCD among cities in Region 2 during 2011. The City desires to set a water use conservation goal for usage not to exceed 229 GPCD based on the regional average of the last five years (2007-2011). Our City anticipates not exceeding this goal by carrying out the specific actions that are outlined in our plan.

Water Conservation Practices

This subsection of the plan summarizes the current education, management, and regulation efforts that relate to the long-term conservation of water in the City. Specific practices that will be undertaken to conserve water are listed and a target date to begin each practice is also shown.

Education

The City water bills show the total number of gallons of water used during the billing period and the amount of the bill. A graph of the past twenty-four months consumption is also provided on each water bill. Additionally average daily consumption and average daily water cost are printed alongside

the graph on the bill. Water conservation tips are normally provided with the water bills unless a higher priority bill message needs delivered. The City has not provided information on water conservation to the local news media on a regular basis and has not encouraged the Board of Education and teachers to become involved in water conservation presentations in schools.

The City has chosen the following conservation practices and target dates for the Education Component of the Long-Term Water Use Efficiency Section of our Water Conservation Plan.

Education Conservation Practices to be Taken	Target Date
1. Water bills will show the amount of water used in gallons and the cost of the water.	Implemented
2. The city will provide routine water conservation tips to the media	Spring 2015
3. The city will encourage USD 467 BOE and staff to become involved in water conservation presentations in the schools.	August 2015
4. The City has hosted an intern from Ogallala Commons with the purpose of researching and creating the means for the residents of the City of Leoti to extend the life to the remaining aquifer through conservation, education, and other means.	Implemented May 2013

Management

The City of Leoti has water meters on all water supplies and water pumped to the distribution system. Any new supply will have an individual meter on each source of supply. These meters are read daily.

In 2007, the City began the undertaking of a major investment with substantial assistance from U.S.D.A. Rural Development in underground water infrastructure. Several of the City’s water mains were replaced and installation of radio-read meters began. Since that time, the City has seen significant reduction in water loss and greatly increased its attention to correctly monitoring and reporting water loss. All residential and commercial customers have water meters installed. Currently City government buildings and grounds are metered free of charge. The County Swimming Pool is also metered free of charge. Golf Course irrigation is provided by wells operated independently by Golf Course Management and Club House water is provided by the City and metered free of charge. Customer meters are scheduled for an accuracy check and possible repair or replacement upon receiving a request to do so from the customer or property owner.

The City of Leoti reads each customer’s water meter and mails a monthly water bill to each customer every month. Customer water meters are generally read on approximately the 20th day of the month; however, the meter reader sometimes deviates from the scheduled time period.

Water leaks from the City public water distribution system are repaired when customers report significant leaks from the water mains or are located by City Personnel. Water pressure is monitored once daily and not checked again unless customers complain that their water pressure is too low.

The water rate structure for the City was passed on November 5, 2012. The minimum monthly water bill is \$38.00 currently but is being routinely titrated up to \$45.00 by January 1, 2016, for residential customers. The monthly minimum allows each customer to use up to 5,000 gallons of water each month without additional charges. Water use in excess of 5,000 gallons is charged currently by a sliding step rate starting at \$2.00 for 5,001-30,000 gallons up to \$3.75 for 150,000-9,999,999 gallons. The rate structure is being titrated up by a regular percentage and will culminate in a flat-rate structure of \$4.00 per 1,000 gallons level by January 1, 2016. The sewer rate for residential customers is \$17.00 for the first 3,000 gallons and \$1.30 per 1,000 gallons thereafter.

The City of Leoti realizes that much greater emphasis must be placed on obtaining accurate measurement of water use at our source and at customer meters and that a water use records system

must be developed that can be used to more effectively and efficiently manage the City public water distribution system. For that reason, the City of Leoti has chosen the following conservation practices and target dates for the Management component of the Long-Term Water Use Efficiency Section of our Water Conservation Plan.

Management Conservation Practices to be Taken	Target Date
1. All source water will have meters installed and the meters will be repaired or replaced within two weeks when malfunctions occur.	Implemented
2. Meters for source water will be tested for accuracy at least once every three years. Each meter will be repaired or replaced if its test measurements are not within industry standards (such as AWWA standards).	Implemented
3. Meters will be installed at all residential service connections and at all other service connections whose annual water use may exceed 300,000 gallons, including separate meters for municipally operated irrigation systems which irrigate more than one acre of turf.	Implemented
4. All meters for source water will be read at least on a monthly basis and meters at individual service connections will be read at least once every two months.	Implemented
5. A reading will be taken at each source water meter at the same time that meters for individual service connections are read.	Implemented
6. A water utility will implement a water management review, which will result in a specified change in water management practices or implementation of a leak detection and repair program or plan, whenever the amount of unsold water (amount of water provided free for public service, used for treatment purposes, water loss, etc.) exceeds 20 percent of the total source water for a four month time period.	Implemented
7. Water sales will be based on the amount of water used.	Implemented
8. A water rate structure designed to curb excessive use of water will be evaluated.	Implemented

Regulation

The City of Leoti does not have any water conservation regulations in effect at the present time. Because of our ability to supply water during normal periods, regulatory controls on water use are included only in the Drought Response section of this plan and water conservation Ordinance 2014-11 where they constitute the primary means for conserving water during a supply shortage.

Leoti does have a plumbing code, but has not felt the need to incorporate mandatory use of water conservation units in the plumbing code. The enforcement of any regulations to require use of any water conservation plumbing measures would be very difficult. Most new homes and remodeling projects do include the use of water conservation toilets and faucets.

Regulation Actions to be Taken	Target Date
1. The Leoti Governing Body will take under advisement the good judgment of implementing conservation measure(s) into the code.	2015
2. The Leoti Governing Body will institute restrictions and prohibitions on outside water use between the hours of 12:00 p.m., and 7:00 p.m., year round.	2015

DROUGHT RESPONSE

The City of Leoti addresses its short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since water supply conditions are more deteriorated. The Mayor is authorized by ordinance to implement the appropriate conservation measures.

Stage 1: Water Watch

Goals

The goals of this stage are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

Triggers

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

1. The City's storage has fallen below 85 percent capacity, and will not recover; or,
2. Groundwater levels have fallen 5 feet below the normal seasonal level.

Education Actions

1. The City will make occasional news releases to the local media describing present conditions and indicating the water supply outlook for the upcoming season.
2. Previous summaries of precipitation, temperature, water levels and storage will be made public.
3. Water-saving tips will be included in billings to water utility customers.

Management Actions

1. The City wells will be cleaned and flushed to maintain them at their most efficient condition.
2. Leaks will be repaired within 48 hours of detection.
3. The City will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

Regulation Actions

1. The escape or loss of water through breaks or leaks within the water user's plumbing or distribution system for any substantial period of time shall be prohibited, it being presumed that a period of eight hours after the water user discovers or should have discovered such leak or break, is a substantial period of time.
2. Outdoor watering, including, but not limited to, the irrigation of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation, shall be prohibited between the hours of 12:00 p.m., and 7:00 p.m., year round.
3. No water user shall allow substantial amounts of water to escape or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways, provided that substantial shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system. For purposes of this section, it shall be conclusively presumed that the resident(s) of property from which water escapes or drains knows of such escape or draining. However, the escape of water from private property due to washing of vehicles shall not be construed as substantial, provided the user of the water has not allowed water to flow from a hose or open tap when not directly being used to wash down the vehicle.

Stage 2: Water Warning

Goals

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

Triggers

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

1. The City's storage has fallen below 70 percent capacity, and will not recover; or,
2. Treatment plant operations are at 80 percent capacity or more for three consecutive days (when operational); or,
3. Pumping lowers water level to within 10 feet of the top of the well screens; or,
4. Groundwater levels have fallen 10 feet below the normal seasonal level; or,

Education Actions

1. The City will make quarterly news releases to the local media describing present conditions and indicating the water supply outlook for the upcoming week.
2. Previous summaries of precipitation, temperature, water levels and storage will be made public.
3. Water conservation articles will be occasionally provided to the local newspaper.
4. Water-saving tips will be included in billings to water utility customers.

Management Actions

1. The City water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The City will curtail its water usage, including operation of fountains, watering of City grounds and washing of vehicles.
5. Reserve supplies, such as standby well fields or lakes, will be prepared for use.
6. Intakes will be adapted to operate with low flows.
7. The City will contact DWR for permission to require private well owners to comply with the City's drought response regulations as authorized under K.S.A. 82a-733(i).

Regulation Actions

These regulation actions apply to City residents (including private domestic well users, if authority is delegated by the Chief Engineer under K.S.A. 82a-733(i)).

1. The escape or loss of water through breaks or leaks within the water user's plumbing or distribution system for any substantial period of time shall be prohibited, it being presumed that a period of eight hours after the water user discovers or should have discovered such leak or break, is a substantial period of time.
2. Outdoor water use, including lawn watering and car washing, but not limited to, the irrigation of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation, shall be prohibited between the hours of 12:00 p.m., and 7:00 p.m., year round.
3. No water user shall allow substantial amounts of water to escape or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways, provided that substantial shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system. For purposes of this section, it shall be conclusively presumed that the resident(s) of property from which water escapes or drains knows of such escape or draining. However, the escape of water from private property due to washing of vehicles shall not be construed as substantial, provided the user of the water has not allowed water to flow from a hose or open tap when not directly being used to wash down the vehicle.
4. Refilling of swimming pools will be allowed one day a week after sunset.
5. Excess water use charges for usage of water over the amount used in the winter will be considered.
6. Waste of water will be prohibited.

Stage 3: Water Emergency

Goals

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

Triggers

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

1. The City's storage has fallen below 50 percent capacity; or,
2. Treatment plant operations are at 90 percent capacity or more for three consecutive days; or,
3. Pumping lowers water level to within 5 feet of the top of the well screens; or,
4. Groundwater levels have fallen 15 feet below the normal seasonal level; or,
5. Emergency conditions arise related to repairs, water supply, or water quality (loss of system pressure, line break, water contamination, etc.).

Education Actions

1. The City will make monthly news releases to the local media describing present conditions and indicating the water supply outlook.
2. Previous summaries of precipitation, temperature, water levels and storage will be made public.
3. The City will hold public meetings to discuss the emergency, the status of the City water supply, and further actions, which need to be taken.

Management Actions

1. The City water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The City will seek additional emergency supplies from other users, the state or the federal government.
5. The City will contact the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources, for permission to require private water well owners to comply with the City's drought response regulations as authorized under K.S.A. 82a-733(i)

Regulation Actions

These regulation actions apply to City residents (including private domestic well users, if authority is delegated by the Chief Engineer under K.S.A. 82a-733(i)).

1. Outdoor water use will be banned.
2. Waste of water will be prohibited.
3. During the effective period of any water supply emergency as provided for in Section 6. of Ordinance 2014-11, the Mayor is empowered to put into effect 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 meeting.

PLAN REVISION, MONITORING & EVALUATION

The City of Leoti will establish a monthly management practice of reviewing monthly totals for water production, residential and commercial sales, water provided free-of-charge, and “unaccounted for water”. Problems noted during the monthly review will be solved as soon as possible.

The City of Leoti Municipal Water Conservation Plan will be reviewed during the month of April each year and on a more frequent basis during drought or other water shortage conditions. If the water conservation GPCD goals for the previous year are not met, then the City will review the data collected from the previous year in relationship to the status and effectiveness of the conservation practices that are outlined in this plan and will provide an updated version when changes are made hereto to the DWR which may also include any additional water conservation practices that may need to be taken in order for the city to achieve and maintain its water use conservation GPCD goals. This plan and all future updates will be made available on the City of Leoti’s official website:

www.leotikansas.org.

PASSED AND ADOPTED, BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS, on April 7, 2014.

Lori Christensen, Mayor

ATTEST:

Kasper Lechtenberg, City Clerk



Ordinance Summary published in the *Leoti Standard* newspaper on April 16, 2014, and the full text of this Ordinance made available at www.leotikansas.org for a minimum of one week from the date of publication.

ORDINANCE 2014-11 SUMMARY

Notice is hereby given that the Governing Body of Leoti, Kansas, did, on April 7, 2014, pass and adopt Ordinance 2014-11, AN ORDINANCE AUTHORIZING THE DECLARATION OF ONE OF THREE PROGRESSIVE STAGES OF A WATER SUPPLY CONSERVATION OR WATER SUPPLY SHORTAGE WHICH SHALL CONSERVE OR CURTAIL THE USE OF WATER WITHIN THE CITY OF LEOTI, KANSAS ("THE CITY"); ESTABLISHING THREE STAGES OF WATER CONSERVATION MEASURES FOR THE CITY; A WATER WATCH, WARNING, OR EMERGENCY; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES. A complete text of this Ordinance may be obtained or viewed free of charge at the Office of the Leoti City Clerk. Additionally, the full text of this Ordinance may be viewed on the City's official website www.leotikansas.org for a minimum of one week following the date of this publication. Leoti City Attorney Doug Crotty certifies this summary pursuant to K.S.A 12-3001, *et seq.*

ORDINANCE 2014-11

AN ORDINANCE AUTHORIZING THE DECLARATION OF ONE OF THREE PROGRESSIVE STAGES OF A WATER SUPPLY CONSERVATION OR WATER SUPPLY SHORTAGE WHICH SHALL CONSERVE OR CURTAIL THE USE OF WATER WITHIN THE CITY OF LEOTI, KANSAS ("THE CITY"); ESTABLISHING THREE STAGES OF WATER CONSERVATION MEASURES FOR THE CITY; A WATER WATCH, WARNING, OR EMERGENCY; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES.

WHEREAS, the Governing Body hereby finds that finite and diminishing groundwater resources are important for current use and to future generations alike; and,

WHEREAS, the Governing Body deems it important to conserve water and encourages each citizen to carefully consider how this precious resource is consumed; and,

WHEREAS, the Governing Body deems it to be necessary, expedient, and in the best interest of the city to hereby cause the regulation of water consumption and use within the corporate limits of the city; now therefore,

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS, AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Ordinance is to provide for a progressive water supply conservation program, including 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 by the Governing Body of the City.

SECTION 2. Definitions.

- (a) "Water", as used in this Ordinance, shall mean water available to the City of Leoti, Kansas, for treatment by virtue of the City's water rights, water supply, water supply contracts or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

- (b) "Customer", as used in this Ordinance, shall mean 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. For purposes of this section, "water user," "customer," and "water service account" shall be synonymous.
- (c) "Waste of water", as used in this Ordinance, includes, but is not limited to:
 - 1. Permitting water to escape down a street, roadway, or other surface intended for vehicle driving purposes, or any gutter, ditch, or other surface drain; or,
 - 2. Failure to repair a controllable leak of water due to defective plumbing.
- (d) "Outdoor Watering", as used in this Ordinance shall mean the irrigation with water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial, or governmental purposes; the filling or adding of water to public or private swimming pools; the washing down with water of buildings, machinery, vehicles and appliances for personal or private purposes, and other similar practices and acts. Upon application, a special permit shall be issued to allow watering for newly seeded, Buffalo or Bermuda grass lawns between the hours of 12:00 p.m., and 7:00 p.m., effective June 1 through September 30 of each year.
- (e) The following classes of uses of water are established for the purposes of this Ordinance:
 - 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 areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
 - 2. Class 2: Water used for any commercial, agricultural, or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests 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 class 1 or 2.
 - 4. Class 4: Water necessary only to sustain human life, the lives of domestic livestock, pets, and maintain standards of hygiene and sanitation.

SECTION 3. Determination of Resources. In the event that the Governing Body of the City or the City's designated official determines that the City's water supply may be subject to a shortage in supply, or the Governing Body of the City determines there is need for conservation of City's water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in section 3(a) or, in times of need or duress, the Governing Body of the City may choose to declare any section of the program described in Section 3 to be in effect at any time:

- (a) Stage 1. Declaration of Water Watch. Whenever the Governing Body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the

Governing Body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City Newspaper, the *Leoti Standard*.

- (b) Stage 2. Declaration of Water Warning. Whenever the Governing Body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City Newspaper, the *Leoti Standard*. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential uses may be extended to private wells within the City limits.

- (c) Stage 3. Declaration of Water Emergency. Whenever the Governing Body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it 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 resolution of the Governing Body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City Newspaper, the *Leoti Standard*. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on water use may be extended to private wells within the City limits.

SECTION 4. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3(a) or 3(b), the Mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Class 1 uses of water as defined by Section 2(e) of this Ordinance.
- (b) Waste of water.

SECTION 5. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 3(c), the Mayor (or authorized city official) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

- (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 as described in section 2(d), wholly or in part;
- (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 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 measures in sections 5(a-e) as the Governing Body of the City or authorized city official may deem appropriate or necessary.

SECTION 6. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 3(c), 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 limited to:

- (a) Higher charges for increasing 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 a specified level of water use (excess demand surcharge).

SECTION 7. Regulations. To facilitate the purposes of this section the following regulations are imposed and control water use of the water supply of the City of Leoti, Kansas, even in situations where a water watch, warning, or emergency has not been declared. It shall be and is made unlawful for any person, firm, corporation, or entity of any nature, to use water contrary to and in violation of the following regulations:

- (a) The escape or loss of water through breaks or leaks within the water user's plumbing or distribution system for any substantial period of time shall be prohibited, it being presumed that a period of eight hours after the water user discovers or should have discovered such leak or break, is a substantial period of time.
- (b) Outdoor watering, including, but not limited to, the irrigation of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation, shall be prohibited between the hours of 12:00 p.m., and 7:00 p.m., year round.
- (c) No water user shall allow substantial amounts of water to escape or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways, provided that substantial shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system. For purposes of this section, it shall be conclusively presumed that the resident(s) of property from which water escapes or drains knows of such escape or draining. However, the escape of water from private property due to washing of vehicles shall not be construed as substantial, provided the user of the water has not allowed water to flow from a hose or open tap when not directly being used to wash down the vehicle.
- (d) During the effective period of any water supply emergency as provided for in Section 5, the Mayor 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 meeting.

SECTION 8. Violations, Disconnections, and Penalties.

- (a) If the Mayor, City Superintendent, water superintendent, or other authorized 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 this Ordinance, 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 to be responsible for the violation or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured or abated immediately or within such specified time as the City determines is reasonable for such correction, cure or abatement under the circumstances. In the event the order is not cured within the time period given in the notice, 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(s) 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 City Governing Body;
 2. If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the City Governing Body or the city official designated as a hearing officer by the City Governing Body before termination of water service is ordered; and
 3. The City Governing Body or the city official designated as a hearing officer by the City Governing Body shall make findings of fact and order whether service should continue or be terminated.
- (b) A fee of thirty dollars 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 sixty dollars for the second reconnection and one hundred dollars for any subsequent additional reconNECTIONS within a two-year (24-month) period.
- (c) Violations of this Ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this Ordinance shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. These provisions contained herein are cumulative and for purposes of determining the number of violations committed, the previous twenty-four months shall be considered. Any violations previous to the preceding twenty-four months shall not be considered as violations for the purposes of assessing penalties of this section.
1. On first violation the offender shall be fined a maximum of fifty dollars.
 2. Upon second violation the offender shall be fined a maximum of one hundred dollars.
 3. Upon third violation the offender shall be fined a maximum of one hundred fifty dollars.

4. Upon fourth violation the offender shall be fined a maximum of two hundred dollars.

In addition, such customer may be required by the Court to serve a definite term of confinement in jail which shall be fixed by the Court and which shall not exceed thirty days.

SECTION 9. Emergency Termination. Nothing in this Ordinance 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, for any emergency, or as required or authorized by ordinance or as deemed a necessity of the City by such city official or the Governing Body of the City.

SECTION 10. Severability. If for any reason any section, subsection, sentence, clause or phrase of this Ordinance is superseded by federal, state, or local laws or regulations, or declared to be unenforceable or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any remaining section, subsection, clause or phrase of this Ordinance and its remainder shall be kept intact and in force. A determination that any portion or provision of this Ordinance is invalid shall not invalidate any actions previously taken or issued hereunder.

SECTION 11. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and its summary publication in the official City Newspaper, the *Leoti Standard*.

PASSED AND ADOPTED, BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS, on April 7, 2014.

Lori Christensen, Mayor

ATTEST:

Kasper Lechtenberg, City Clerk

CERTIFICATE OF CITY CLERK

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that said Ordinance was passed on April 7, 2014; that the record of the final vote on its passage is found in the April 7, 2014, meeting minutes on page 8 of journal 19; that a summary of this Ordinance was published in the *Leoti Standard* Newspaper on April 16, 2014.

/s/ Kasper Lechtenberg, City Clerk