

ORDINANCE B-492

AN ORDINANCE AMENDING SECTION 15-219 OF CHAPTER XV, ARTICLE 2 OF THE CODE OF THE CITY OF VICTORIA, KANSAS, CONCERNING THE CONSERVATION OF WATER AND ELIMINATING THE WASTE THEREOF AND PROVIDING PENALTIES IN VIOLATION THEREOF.

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

Section 1. Section 15-219 of Chapter XV, Article 2 of the Code of the City of Victoria, Kansas, is hereby amended to read as follows:

Section 2. PURPOSE. In order to conserve the water supply of the City of Victoria, Kansas; to meet the needs and demands of the citizens of the City; and to eliminate waste in the use of such water 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 provisions, This section shall be known as and referred to as the "Water Allotment and Conservation Ordinance" of the City of Victoria, Kansas.

Section 3. DEFINITIONS AND REGULATIONS.

(a) Outdoor Watering. Outdoor watering means 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.

(b) Ultra Low-Flow Means. In the case of faucets and showerheads, devices which substantially restrict the flow of water, while only providing sufficient water for the purpose intended; and in the case of water closets or toilets, means devices which restrict the use of water per flush to 1.6 gallons, or less.

(c) For the purpose of this section, "water user", "customer" and "water service account" shall be synonymous.

(d) For the purpose of this section, "residential water user", in addition to meaning private residential water user, also means and includes residents of apartments, duplexes, and other like multiple resident facilities, but shall not include hospitals, nursing homes, residence halls, dormitories, or other similar uses.

SECTION 4. REGULATIONS.

(a) The use of water for the washing down of sidewalks, walkways, driveways, parking lots, gas station aprons, and all other hard-surfaced areas, and other similar practices, shall be prohibited, provided that upon application, a special permit to allow such usage may be granted by the City Clerk, if sufficient documentation and need, such as reasonable hazard to public safety, can be shown.

(b) 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.

(c) 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 noon and 7:00 p.m. Upon application, a special permit shall be issued to allow watering newly seeded lawns between the hours of 12:00 noon and 7:00 p.m.

(d) 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 or residents 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 hose or open tap when not directly being used to wash down the vehicle.

(e) Penalties. Any person, firm or corporation accused of violating the provisions of subsections 4(a), 4(b), 4(c) and/or 4(d) of this section of the Water Conservation Ordinance shall be notified in writing that such accusation has been made and the accused party may request a hearing before the City Clerk, or any representative appointed by the City Clerk, and may present evidence in defense of such accusation. If a request for hearing is not served on the City Clerk within three days following the service of the written accusation on the accused party or if the City Clerk finds that the allegations or such accusation are true, the following penalties shall be imposed:

1. Upon a first violation, the accused party shall be issued a formal written warning.
2. Upon a second violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of fifty dollars (\$50.00) shall be paid before water service shall be resumed.
3. Upon a third violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of two hundred dollars (\$200.00) shall be paid before water service is resumed.
4. Upon a fourth violation and any subsequent violations, water service shall be terminated on the property involved and a resumption of services fee in the sum of two hundred fifty dollars (\$250.00) shall be paid before water service is resumed.
5. These provisions are cumulative, and for purposes of determining the number of violations committed, the previous twenty-four (24) months shall be considered. Any violations previous to the preceding twenty-four (24) months shall not be considered as violations for the purpose of assessing penalties in this section.

SECTION 5. This Ordinance shall take effect after its publication one time in The Hays Daily News, the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS
THIS 21st DAY OF August, 2006.

Curtis B. Unrein
Curtis B. Unrein, Mayor

ATTEST:

Mary Pfeifer
Mary Pfeifer, City Clerk