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Tracy Streeter, Director

Sam Brownback, Governor

April 3, 2012

Martha Tasker, Director of Utilities
City of Salina
PO Box 736
Salina KS 67402-0736

Dear Ms. Tasker:

Thank you for your patience and cooperation in working with us on the municipal water conservation plan and water drought/emergency ordinance for the City of Salina.

The Kansas Water Office has reviewed your municipal water conservation plan as adopted by the City of Salina; submitted to us; and received on April 2, 2013. It appears that the plan is consistent with the current Kansas Water Office Guidelines for municipal water conservation plans. I recommend that your water conservation plan be hereby approved (copy enclosed).

The Water Drought/Emergency Ordinance (Ordinance No. 13-10684) as adopted by the governing body of the City of Salina on April 1, 2013, and received by us on April 2, 2013, appears to be adequate to carry out the implementation of your municipal water conservation plan (copy enclosed).

Sincerely,

A handwritten signature in black ink that reads "Tina Rajala".

Tina Rajala
Environmental Scientist

Approved by:

A handwritten signature in black ink that reads "B. F. Lytle, Jr.".

Robert F. Lytle, Jr.
Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources

Date: 4-9-13

Enclosures

cc: Linda White, Kansas Department of Health and Environment
Elmer Ronnebaum, Kansas Rural Water Association
Bob Lytle, Division of Water Resources

Drought-Vol

2013 MUNICIPAL WATER CONSERVATION PLAN

FOR THE

CITY OF SALINA, KANSAS

PREPARED BY

HDR

and

WILSON & COMPANY

and

CITY OF SALINA

MUNICIPAL WATER CONSERVATION PLAN FOR CITY OF SALINA

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BACKGROUND INFORMATION

Under K.S.A. 82a-733, passed by the 1991 Kansas Legislature, “The Chief Engineer [of the Kansas Department of Agriculture Division of Water Resources] may require an applicant for a permit to appropriate water for beneficial use or the owner of a water right or permit to appropriate water for beneficial use to adopt and implement water conservation plans and practices.” Other Kansas Statutes require water conservation plans for anyone: (1) purchasing water from the State Water Marketing Program (K.S.A. 82a-1311a); (2) participating in the Water Assurance District Program (K.S.A. 82a-1348); (3) sponsoring or purchasing the public water supply portion of a Multipurpose Small Lakes Program project (K.S.A. 82a-1608); (4) transferring water under the Water Transfers Act (K.S.A. 82a-1502); or (5) applying for a loan from the State Revolving Fund (K.S.A. 65-163g). All public water suppliers on the drought vulnerable list, which is a list maintained by the Kansas Department of Health and Environment and the Kansas Water Office, are encouraged to develop and implement a municipal water conservation plan and to resolve the limitations underlying their vulnerability. According to the 2006 Kansas Drought Vulnerable List, the City of Salina’s public water supply is considered to be drought vulnerable because the primary raw water source is particularly sensitive to drought as evidenced by depleted streamflow, depleted reservoir inflow and storage, or by declining water levels in wells. The Kansas Water Office reviews and recommends all water conservation plans and the Division of Water Resources approves all water conservation plans.

The original Water Conservation Plan for the City of Salina was completed and adopted in October 1997 when the City applied for a loan from the State Revolving Fund for Water Treatment Plant improvements project. The original Water Conservation Plan has been updated and revised in accordance with the 2007 Kansas Municipal Water Conservation Plan Guidelines published by the Kansas Water Office.

IMPORTANCE OF WATER CONSERVATION

Historically, water conservation measures have typically been invoked only during times of drought or other emergency water shortage. However, as Kansas water supplies continue to diminish, this view of water conservation is changing. Like many other public water suppliers, the City of Salina is looking to water conservation as a viable long-term supply option, helping to avert water and wastewater system expansions which results in significant savings in capital and operating costs. Ultimately, water conservation must be a shared responsibility between the City and all its water customers, including private domestic well owners who share the same source of supply.

INTRODUCTION

The City of Salina obtains raw water from two sources: groundwater (wells) and surface water (Smoky Hill River).

The City of Salina has undertaken a number of steps to ensure a dependable water supply for our customers through the years. The original water treatment plant was constructed in the late 1950's with a major upgrade and expansion completed in 2001. The treatment plant provides for partial water softening of the groundwater and surface water sources, as well as filtration and disinfection as required to meet current federal and state drinking water standards. The current conjunctive use of surface water and groundwater as sources of water supply allows the City some redundancy for their source of supply. However, the wells that provide the City their groundwater supply are connected to the river flows in the Smoky Hill River and when the City experiences a significant drought period, both supply sources are strained.

The Salina water supply, water treatment plant, and distribution system have ample capacity to meet current customers' demands under normal conditions. The 2001 plant improvements increased the production capacity to 20 million gallons per day (MGD) and should meet future projected demands for several years. However, with continuing business and commercial and population growth expected, a concerted effort on water conservation planning can help ensure customers of a dependable water supply in future years.

The City of Salina believes that the Municipal Water Conservation Plan represents an additional major step in ensuring our customers of a dependable water supply in future years. The plan includes a water use conservation goal, a long-term water use efficiency plan, a drought/emergency response plan, and provisions for monitoring, evaluating, and revising the plan.

MUNICIPAL WATER CONSERVATION PLAN

The primary objectives of the Water Conservation Plan for the City of Salina are to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought/Emergency 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 additional water 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.

LONG-TERM WATER USE EFFICIENCY

WATER USE CONSERVATION GOALS

The City of Salina used 121 gallons per capita per day (gpcd) in 2010. Over a five year period (2006-2010) Salina used an average of 116 gpcd. The gpcd figure includes:

- a) water sold to residential and commercial customers;
- b) water distributed for free public services (fire protection, street cleaning, etc.); and
- c) water lost by leaks in the water distribution system.

However, the gpcd figure does not include municipally supplied industrial water for industries that use over 200,000 gallons per year. According to Table 2, shown in the Kansas Municipal Water Use 2010 Publication, Salina is a large public water supplier located in Region 7. From this publication it was determined that Salina's 2010 water use was 9 percent below the Region 7 large supplier average of 134 gpcd. Over a five year period (2006-2010), Salina's water use was 116 gpcd which is 13 percent below the Region 7 large supplier region average of 134 gpcd. The City desires to set a water conservation goal not to exceed 121 gpcd, which is believed to be sustainable based on water usage during the drought of 2000 through 2006 and implementation of conservation practices outlined in this plan. The City anticipates not exceeding this goal by carrying out the specific water conservation practices that are outlined in our plan.

WATER CONSERVATION PRACTICES

The City's conservation practices include actions that will reduce overall demand for water, diminish water usage at peak demand time, improve efficiency in water use, and reduce water losses and waste. This section of the plan summarizes the current and proposed education, management, and regulation efforts that relate to the long-term conservation of water in the City of Salina. Specific practices that will be undertaken to conserve water are listed and a target date to begin each practice is also shown.

Education

The following is a list of current and proposed water use efficiency education practices:

1. The City makes available information on water conserving landscape practices through publications, local news media, seminars or other appropriate means.
2. Water bills show the amount of water used in gallons during the billing period and the number of gallons used last year during the same billing period.
3. Water conservation tips are provided on the City website, utility offices and with the water bills.
4. Information is provided to the general public on lawn water requirements on a regular basis during the summer months.
5. Water conservation classes will be offered by the City to teach customers about water conservation.

Target Date: 1 January 2014

6. The Board of Education and teachers will be encouraged to become involved in water conservation through classroom lectures and incentives for children to conduct home checks.

Target Date: 1 January 2014

Management

The following is a list of current and proposed water use efficiency management practices:

1. All raw water intakes have meters installed and the meters are repaired or replaced promptly. Raw water meters are tested for accuracy at least once every three years. Each meter is repaired or replaced if its test measurements are not within two percent of the actual volume of water passing through the meter.
2. All raw water meters and individual service connections are read at least on a monthly basis.
3. The City conducts a water management review, which results 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 exceeds 20 percent of the total raw water diverted for a four month time period.
4. Water sales are based on the amount of water used.
5. Meters are installed at all residential service connections and at all other service connections, including separate meters for municipally owned irrigation systems.

6. Meters at each individual service connection (one inch or less) are replaced on a regular basis, at least once every 15 to 20 years.
7. The current water rate structure, adopted in January 2013, is an excess use rate where the unit price for water increases after a specified volume consumed is exceeded. The City's excess use rate structure is based around average winter consumption in order to promote water conservation.
8. The City's water distribution system is divided into five pressure zones. The pressure zones have been established to provide adequate water pressure to customers. Water pressure is monitored daily at each of the City's pumping facilities. Water pressure at the customers' premises is checked at the customer's request.
9. A random sampling of meters between one inch and six inches will be tested for accuracy at least once every five years and meters six inches and above will be tested on an annual basis. Each meter will be repaired or replaced if its test measurements are not within two percent of the actual volume of water passing through the meter.
Target Date: 1 January 2014
10. Develop and implement a water conservation rebate program for high efficiency/low flow toilets for residences and commercial businesses and high efficiency clothes washers for residences.
Target Date: 1 January 2014
11. Develop and implement a rain sensor rebate program for rain sensors that automatically shut off automatic sprinkler systems during and after rain events and allow the system to go back to normal cycle when the sensors dry out.
Target Date: 1 January 2014

Regulation

The following is a list of current and proposed water use efficiency regulation practices:

1. All new or renovated construction requires toilets that use 1.6 gallons per flush or less and low flow shower heads that use 2.5 gallons per minute or less.
2. An ordinance was adopted in June 2008 which prohibits waste of water.
3. An ordinance was adopted in June 2008 which prohibits outdoor watering between the hours of 10:00am and 6:00pm effective between June 1 and September 30.
4. An ordinance was adopted in June 2008 which allows the governing body of the City to adopt or amend a water conservation rebate program.

5. The ordinance for restricting outdoor watering between the hours of 10:00am and 6:00pm effective between June 1 and September 30 will be revised to include all private domestic wells within the City limits, not just the customers of the water distribution system.

Target Date: 1 June 2013

6. Develop and implement a program or ordinance to incorporate water conserving landscape principles into future landscape development projects, including renovation of existing landscapes.

Target Date: 1 January 2015

DROUGHT/EMERGENCY RESPONSE

The Drought/Emergency Response applies to all persons, customers, and property served by the City of Salina. All entities that purchase water from the City of Salina will be required to follow the same reductions in water use as the City of Salina.

The Drought/Emergency Response also applies to private domestic well owners within the city limits when authorized by the Chief Engineer under water warnings and emergencies as provided under K.S.A. 82a-733(i). Under K.S.A. 82a-733(a) the Chief Engineer of the Kansas Department of Agriculture Division of Water Resources (whom approves water conservation plans) has the authority to require the owner of a water right or a permit to appropriate water for beneficial use to adopt and implement conservation plans and practices. Under K.S.A. 82a-733(i) the Chief Engineer of the Kansas Department of Agriculture Division of Water Resources can require private domestic well owners to implement water conservation practices so they are compliant with the cities' water conservation plan. Conditions under which private domestic well owners may be required to implement water conservation measures include (1) when impairment to senior water rights is occurring, (2) when a municipality with a common source of supply is experiencing a period of drought, and water watches, warnings or emergencies are in place, and (3) when the waste of water is occurring.

The City of Salina shall regulate the private domestic wells based on conditions two and three above. According to a publication by the Kansas State University Extension Service (*Watering Your Lawn* by Matthew J. Fagerness), the morning is the most efficient time to water lawns and gardens because it is cooler and less evaporation occurs. Wind is also less likely to be a problem during the early morning hours. Watering during the afternoon hours when high evaporation, low humidity, and high winds occur is considered waste of water because during these times the water applied has a higher percentage of loss than that actually put to beneficial use. On the basis of waste of water and per state statutes and the 2007 Municipal Water Conservation Plan Guidelines the City will prohibit outdoor watering during the hours of 10:00 AM to 6:00 PM between June 1 through September 30 of each year for all customers of the water distribution system and all private domestic wells within the city limits.

The City of Salina 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 water shortage may be the result of a drought or a system failure. A drought may deplete the available water supplies or place stress on the City's ability to deliver water. A system failure could occur that would threaten the City's ability to deliver water to the entire service area.

The declaration of the beginning and end of a water watch, water warning, or water emergency shall be effective upon their publication in the official city newspaper. The City Manager is authorized by ordinance to implement the appropriate conservation measures. A copy of the Water Conservation Ordinance is included in Appendix A.

STAGE 1: WATER WATCH

Triggers

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

1. Treatment plant operations are at 75 percent capacity or more for three consecutive days, or
2. When groundwater is the only source and the groundwater level at the Oakdale Monitoring Well has fallen below a saturated aquifer thickness of 32 feet, or
3. Smoky Hill River level is below 30 cfs at the Mentor Gage during the months of May through September and the river flow has been in a declining trend for at least seven consecutive days, or
4. Smoky Hill River level is below 20 cfs at the Mentor Gage during the months of October through April and the river flow has been in a declining trend for at least seven consecutive days, or
5. Emergency conditions related to repairs or water quality.

Goals

The goals of this stage are to heighten awareness of the public on water conditions, to maintain the integrity of the water supply system, and to ask for voluntary reductions in water use to avoid having to implement mandatory restrictions.

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 months summaries of precipitation, temperature, and water levels will be made public at the beginning of each month.

Management Actions

1. Leaks will be repaired within 8 hours of detection.
2. The City will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning, including watering of City grounds and washing of vehicles.

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.
2. Any other action deemed appropriate by the City Manager.

Requirements for Termination of WATER WATCH

The WATER WATCH will be terminated following consideration of the following information:

- Have Treatment Plant operations been below 75 percent operating capacity for three consecutive days?
- When groundwater is the only source, has the groundwater level at the Oakdale Monitoring Well risen above a saturated aquifer thickness of 32 feet?
- Is the Smoky Hill River level above 30 cfs at the Mentor Gage during the months of May through September and the river flow has not declined for seven consecutive days?
- Is the Smoky Hill River level above 20 cfs at the Mentor Gage during the months of October through April and the river flow has not declined for seven consecutive days?
- Are there any emergency conditions related to repairs or water quality?
- What is the current and projected length of the drought?
- What is the short and long range precipitation forecast?
- What are the current and future releases from the Kanopolis Reservoir?

The City will continue to promote wise outdoor watering throughout the summer months.

STAGE 2: WATER WARNING

Triggers

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

1. Treatment plant operations are at 90 percent capacity or more for three consecutive days,
or
2. When groundwater is the only source and the groundwater level at the Oakdale Monitoring Well has fallen below a saturated aquifer thickness of 30 feet, or

3. Smoky Hill River level is below 20 cfs at the Mentor Gage during the months of May through September and the river flow has been in a declining mode for at least five consecutive days, or
4. Smoky Hill River level is below 10 cfs at the Mentor Gage during the months of October through April and the river flow has been in a declining mode for at least five consecutive days, or
5. Emergency conditions related to repairs or water quality.

Goals

The goals of this stage are to reduce peak demands by 20%, to reduce overall weekly consumption by 10%, and to decrease the impact on the sources of supply.

Education Actions

1. The City will make weekly news releases to the local media describing present conditions and indicating the water supply outlook for the upcoming week.
2. Previous week summaries of precipitation, temperature, and water levels will be made public each Thursday.
3. Water conservation articles will be provided to the local newspaper.

Management Actions

1. The City's water supplies will be monitored daily.
2. Leaks will be repaired within 8 hours of detection.
3. Emergency water supplies will be prepared for contingency operation.
4. The City will curtail its water usage, including watering of City grounds and washing of vehicles.
5. The City will contact the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources, for permission to require private domestic well owners to comply with the City's drought response regulations under both Water Warnings and Emergencies.

Regulation Actions

1. The City will implement an odd/even lawn watering system on all City residents. Residents with odd-numbered addresses will water on Tuesday, Thursday and Saturday, and even addresses will water on Wednesday, Friday and Sunday.
2. Commercial/Industrial owners will be allowed to preserve vegetation required by the City's landscaping ordinance.
3. Refilling of swimming pools will be allowed one day a week after sunset.
4. Waste of water will be prohibited
5. Home outdoor washing of vehicles will be restricted to once per week on Saturdays only.
6. Restrictions will be imposed on all City residents (including private domestic well owners, if authority is delegated by the Chief Engineer under K.S.A. 82a-733(i)).
7. Any other action deemed appropriate by the City Manager.

Requirements for Termination of WATER WARNING

The WATER WARNING will be terminated following consideration of the following information:

- Have Treatment Plant operations been below 90 percent operating capacity for three consecutive days?
- When groundwater is the only source, has the groundwater level at the Oakdale Monitoring Well risen above a saturated aquifer thickness of 30 feet?
- Is the Smoky Hill River level above 20 cfs at the Mentor Gage during the months of May through September and the river flow has not declined for five consecutive days?
- Is the Smoky Hill River level above 10 cfs at the Mentor Gage during the months of October through April and the river flow has not declined for five consecutive days?
- Are there any emergency conditions related to repairs or water quality?
- What is the current and projected length of the drought?
- What is the short and long range precipitation forecast?
- What are the current and future releases from the Kanopolis Reservoir?

Upon termination of a WATER WARNING, a WATER WATCH becomes operative.

STAGE 3: WATER EMERGENCY

Triggers

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

1. Treatment plant operations are at 100 percent capacity or more for three consecutive days, or
2. When groundwater is the only source and the groundwater level at the Oakdale Monitoring Well has fallen below a saturated aquifer thickness of 28 feet, or
3. Smoky Hill River level is below 15 cfs at the Mentor Gage during the months of May through September and the river flow has been in a declining mode for at least three consecutive days, or
4. Smoky Hill River level is below 5 cfs at the Mentor Gage during the months of October through April and the river flow has been in a declining mode for at least three consecutive days, or
5. Emergency conditions related to repairs or water quality.

Goals

The goals of this stage are to reduce peak demands by 50%, to reduce overall weekly consumption by 25%, and to decrease the impact on the sources of supply.

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, and water levels will be made public each day.
3. The City will hold public meetings to discuss the emergency, the status of the City's water supply and further actions which need to be taken.

Management Actions

1. The City's water supplies will be monitored daily.
2. Leaks will be repaired within 8 hours of detection.
3. Emergency water supplies will be prepared for contingency operation.
4. The City will seek additional emergency water supplies from state or federal agencies.

Regulation Actions

1. Outdoor water use will be banned.
2. Waste of water will be prohibited.
3. Restrictions will be imposed on all City residents (including private domestic well owners, if authority is delegated by the Chief Engineer under K.S.A. 82a-733(i)).
4. Any other action deemed appropriate by the City Manager.

Requirements for Termination of WATER EMERGENCY

The WATER EMERGENCY will be terminated following consideration of the following information:

- Have Treatment Plant operations been below 100 percent operating capacity for three consecutive days?
- When groundwater is the only source, has the groundwater level at the Oakdale Monitoring Well risen above a saturated aquifer thickness of 28 feet?
- Is the Smoky Hill River level above 15 cfs at the Mentor Gage during the months of May through September and the river flow has not declined for three consecutive days?
- Is the Smoky Hill River level above 5 cfs at the Mentor Gage during the months of October through April and the river flow has not declined for three consecutive days?
- Are there any emergency conditions related to repairs or water quality?
- What is the current and projected length of the drought?
- What is the short and long range precipitation forecast?
- What are the current and future releases from the Kanopolis Reservoir?

Upon termination of a WATER EMERGENCY, a WATER WARNING becomes operative.

PLAN REVISION, MONITORING, AND EVALUATION

The City of Salina reviews monthly totals for water production, residential sales, commercial sales, water used for line flushing and fire protection, and water lost through system leaks. Problems noted during the monthly review will be solved as soon as possible.

The City of Salina 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 our plan and will provide a status report to the Division of Water Resources (or whatever state agency is responsible for approving and monitoring our plan), which will 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.

APPENDIX A

Water Conservation Ordinance

ORDINANCE NUMBER 13-10684

AN ORDINANCE AMENDING CHAPTER 41, ARTICLE II, DIVISION 3, SECTIONS 41-61, 41-61.1, AND 41-62 PERTAINING TO WATER CONSERVATION AND REPEALING EXISTING SECTIONS 41-61, 41-61.1, AND 41-62.

BE IT ORDAINED by the Governing Body of the city of Salina, Kansas:

Section 1. That Sections 41-61, 41-61.1 and 41-62 of Chapter 41, Article II, Division 3 of the Salina Code are hereby amended as follows:

Sec. 41-61. Definitions and classes of usage established.

(a) *Definitions.* The following definitions shall apply in the interpretation, implementation and enforcement of this division:

- (1) *Customer*, as the term is used in this division, 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.
- (2) *Domestic uses*, as the term is used in this division, 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.
- (3) *Outdoor watering*, as the term is used in this division, shall mean the irrigation with potable or private domestic well water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial, or governmental purposes.
- (4) *Person*, as the term is used in this division, shall mean and include a natural person, a partnership, an organization, a corporation, a municipality and any agency of the state or federal government.
- (5) *Private domestic well water*, as the term is used in this division, shall mean groundwater utilized for domestic uses.
- (6) *Waste of water*, as the term is used in this division, includes, but is not limited to, permitting substantial amounts of water to escape down a gutter, ditch or other surface drain or failure to repair a controllable leak of water due to defective plumbing.
- (7) *Water*, as the term is used in this division, shall mean water available to the City of Salina 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) *Classes of usage.* The following classes of uses of water are established:

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 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.

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 standards of hygiene and sanitation.

Sec. 41-61.1. Regulation of use.

- (a) Outdoor watering shall be prohibited between the hours of 10:00 a.m. and 6:00 p.m., effective between June 1 and September 30. Upon application, a special permit shall be issued by the Director of Utilities to allow watering newly seeded lawns between the hours of 10:00 a.m. and 6:00 p.m., effective June 1 through September 30.

(b) No customer or private domestic well owner 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 the term "substantial" shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter or other drainage system.

Sec. 41-62. Declaration of a water watch, water warning, or water emergency.

- (a) *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 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 at its next regular or special meeting.
- (b) *Declaration of water warning.* Whenever the city manager finds that drought conditions or some other condition causing a 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, restrictions on nonessential uses during the period of 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. The restrictions shall apply to all city residents and shall include private domestic well owners within the city limits by authority delegated by the chief engineer, division of water resources, Kansas department of agriculture pursuant to K.S.A. 82a-733(i).
- (c) *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. The restrictions shall apply to all city residents and shall include private domestic well owners within the city limits by authority delegated by the chief engineer, division of water resources, Kansas department of agriculture pursuant to K.S.A. 82a-733(i).

Section 2. That existing Sections 41-61, 41-61.1 and 41-62 are hereby repealed.

Section 3. Summary of ordinance for publication. That this ordinance shall be in full force and effect from and after the following sequence:

- 1. Adoption on first and second reading;
- 2. Receipt of written confirmation of the delegation of authority by the chief engineer, division of water resources, Kansas department of agriculture pursuant to K.S.A. 82a-733(i); and
- 3. Publication once in the official city newspaper.

Ordinance No. 13-106846 Summary

On April 1, 2013, the City of Salina, Kansas, passed Ordinance No. 13-10684. The ordinance amend Chapter 41, Article II, Division 3, Section 41-61, 41-61.1, and 41-62 pertaining to water conservation. A complete copy of the ordinance is available at www.salina-ks.gov or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the city attorney.

Introduced: March 25, 2013
Passed: April 1, 2013

[Signature]
Norman M. Jennings, Mayor

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 13-10684 that was adopted by the Governing Body of the City of Salina at their regular meeting on April 1, 2013.

(SEAL)
ATTEST:

[Signature]
Lieu Ann Elsey, CMC, City Clerk

2 *[Signature]*
Tracey Sparks, Account Clerk



DIVISION 3. WATER CONSERVATION

Sec. 41-60. Purpose.

The purpose of this division 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 watch, water warning or a water supply 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.

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 97-9833, § 1, 10-27-97, Ord. No. 08-10451, § 1, 6-9-08)

Sec. 41-61. Definitions and classes of usage established.

(a) *Definitions.* The following definitions shall apply in the interpretation, implementation and enforcement of this division:

- (1) *Water*, as the term is used in this division, shall mean water available to the City of Salina 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.
- (2) *Customer*, as the term is used in this division, 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.
- (3) *Waste of water*, as the term is used in this division, includes, but is not limited to, permitting substantial amounts of water to escape down a gutter, ditch or other surface drain or failure to repair a controllable leak of water due to defective plumbing.
- (4) *Outdoor watering*, as the term is used in this division, shall mean the irrigation with potable water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial, or governmental purposes.

(b) *Classes of usage.* The following classes of uses of water are established:

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 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.

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 standards of hygiene and sanitation.

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 08-10451, § 1, 6-9-08)

Sec. 41-61.1. Regulation of use.

- (a) Outdoor watering with potable water, shall be prohibited between the hours of 10:00 a.m. and 6:00 p.m., effective between June 1 and September 30. Upon application, a special permit shall be issued by the Director of Utilities to allow watering newly seeded lawns between the hours of 10:00 a.m. and 6:00 p.m., effective June 1 through September 30.
- (b) No customer 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 the term "substantial" shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter or other drainage system.

(Ord. No. 08-10451, § 2, 6-9-08)

Sec. 41-62. Declaration of a water watch, water warning, or water emergency.

- (a) *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 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 at its next regular or special meeting.
- (b) *Declaration of water warning.* Whenever the city manager finds that drought conditions or some other condition causing a 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, restrictions on nonessential uses during the period of 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.
- (c) *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.

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 97-9833, § 1, 10-27-97; Ord. 07-10397, § 1, 7-16-07)

Sec. 41-63. Voluntary conservation measures.

Upon the declaration of a water watch as provided in section 41-62(a), the city manager is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses, included, but not limited to, limitations on the following uses:

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

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 97-9833, § 1, 10-27-97; Ord. No. 07-10397, § 1, 7-16-07)

Sec. 41-64. Mandatory conservation measures.

A. Upon the declaration of a water supply warning as provided by sections 41-62(b), the governing body is 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 (1) or more classes of water uses, 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.

B. Upon the declaration of a water supply emergency as provided by sections 41-62(c), the city manager is 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 (1) or more classes of water uses, 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
- (7) 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.

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 07-10397, § 1, 7-16-07)

Sec. 41-65. Emergency water rates.

Upon the declaration of a water supply emergency as provided in section 42-62, the governing body of the city shall have the power to adopt emergency water rates by resolution designed to conserve water supplies. Such emergency rates may provide for, but are not 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).

(Ord. No. 89-9341, § 2, 9-11-89)

Sec. 41-66. Regulations.

During the effective period of any water supply emergency as provided for in section 41-62(c), the city manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this division, any water supply emergency resolution, or emergency water rate resolution. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

(Ord. No. 89-9341, § 2, 9-11-89; Ord. No. 07-10397, § 2, 7-16-07)

Sec. 41-67. Violations, disconnections and penalties.

- (a) If the city manager, director of utilities, or other city official or officials charged with implementation and enforcement of this division or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to sections 41-61.1, 41-62, 41-64 or 41-66 of this division, the customer of record and the owner, lessee, tenant, or occupant known to the city to be responsible for the violation shall be provided with either actual or mailed notice of the violation.

(b) Prior to disconnection of water service, the customer of record and the owner, lessee, tenant, or occupant known to the city to be responsible for the violation or its correction shall be provided with either actual or mailed notice of the violation. 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 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 an opportunity to appeal the termination by requesting a hearing scheduled before a city official designated as a hearing officer by the city manager;
- (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 hearing officer shall make findings of fact and order whether service should continue or be terminated.
- (4) A fee of fifty dollars (\$50.00) 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 two hundred dollars (\$200.00) for the second violation and three hundred dollars (\$300.00) for any additional reconnections.

(c) Violations of this division 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 division shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of one hundred dollars (\$100.00). The penalty for a second or subsequent conviction shall be a mandatory fine of two hundred dollars (\$200.00).

(Ord. No. 89-9341, § 2, 9-11-89, Ord. No. 07-10397, § 2, 7-16-07, Ord. No. 08-10451, § 3, 6-9-08)

Sec. 41-68. Emergency termination.

Nothing in this division 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.

(Ord. No. 89-9341, § 2, 9-11-89)

Sec. 41-69. Water conservation rebate program.

In order to promote water conservation, the governing body of the city may by resolution adopt or amend a water conservation rebate program.

(Ord. No. 89-9341, § 2, 9-11-89, Ord. No. 08-10451, § 4, 6-9-08)

Editor's Note: Former § 41-69 pertained to the severability and repealed by Ord. No. 08-10451.