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ORDINANCE NO. 1112

AN ORDINANCE AMENDING SECTIONS 15-603, 15-604, 15-605, 15-608 AND 15-609 AND CREATING SECTION 15-610 OF THE CODE OF THE CITY OF MAIZE, KANSAS, PERTAINING TO PROVIDING FOR THE DECLARATION OF A WATER EMERGENCY AND IMPLEMENTING A PROGRESSIVE WATER SUPPLY CONSERVATION PROGRAM THAT CONTAINS VOLUNTARY AND MANDATORY WATER CONSERVATION MEASURES, AND REPEALING THE ORIGINAL SECTIONS 15-603, 15-604, 15-605, 15-608 AND 15-609 OF THE CODE OF THE CITY OF MAIZE, KANSAS.

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

SECTION 1. Section 15-603 Amended. Section 15-603 of the Code of the City of Maize, Kansas is amended to read:

15-603. Declaration of a Water Emergency.

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 in 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 15-603(a) or, in times of need and/or duress, the governing body of the City may choose to declare any section of the program described in section 15-603 in effect at any time:

- (a) Stage 1: Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that a drought is likely, or some other condition exists which is likely to cause a major water supply shortage, 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.
- (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. Pursuant to the approval of the Chief Engineer, Kansas Department

of Agriculture - Division of Water Resources, 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. Pursuant to the approval of the Chief Engineer, Kansas Department of Agriculture - Division of Water Resources, the mandatory restrictions on water use may be extended to private wells within the City limits.

SECTION 2. Section 15-604 Amended. Section 15-604 of the Code of the City of Maize, Kansas is amended to read:

15-604. Voluntary Conservation Measures.

Upon the declaration of a water watch or water warning as provided in Sections 15-603(a) or 15-603(b), the mayor (or the city manager) 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 water.
- (b) Waste of water.

SECTION 3. Section 15-605 Amended. Section 15-605 of the Code of the City of Maize, Kansas is amended to read:

15-605. Mandatory Conservation Measures.

Upon the declaration of a water supply emergency as provided in Section 15-603(c), the mayor (or the city manager 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 15-602(d), wholly or in part;
- (c) Restrictions on the sales of water at point-of-sale 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 15-605(a-e) as the governing body of the City or authorized city official may deem appropriate and/or necessary.

SECTION 4. Section 15-608 Amended. Section 15-608 of the Code of the City of Maize Kansas is amended to read:

15-608. Violations; Disconnection; Penalties.

- (a) If the mayor, city manager, 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 Sections 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/or any other person known to the City to be responsible for the violation and/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 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 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 \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any subsequent additional reconnections within a 1-year period.
- (c) Violations of this ordinance shall be a misdemeanor and may be prosecuted in Municipal Court. Any person charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a misdemeanor. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve

a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days.

SECTION 5. Section 15-609 Amended. Section 15-609 of the Code of the City of Maize, Kansas is amended to read:

15-609. Emergency Termination.

Nothing in this Chapter 15, Article 6 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 or for any other emergency as required or authorized by ordinance or as deemed necessary of the City by such city official or the governing body of the City.

SECTION 6. Section 15-610 Created. Section 15-610 of the Code of the City of Maize, Kansas, is created to read:

15-610. Severability.

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

SECTION 7. Repeal. The original Sections 16-603, 15-604, 15-605, 15-608 and 15-609 are repealed.

SECTION 8. Effective Date. This ordinance takes effect upon its publication on the City of Maize, Kansas, official website, which was designated the official city newspaper by Charter Ordinance No. 34-25.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THE 1st DAY OF June, 2026.

ATTEST:

Martha Pennington
Martha Pennington, City Clerk



Patrick Stivers
Pat Stivers, Mayor

APPROVED AS TO FORM:

John Powell, City Attorney