

(Published in The Morning Sun July 26, 2024)

**ORDINANCE NO. G-1362**

AN ORDINANCE amending Article VII in Chapter 82, Divisions 1 and 2, Sections 82-600, 82-601 and 82-650 through 82-657 and deleting section 82-658 of the Pittsburg City Code to authorize the declaration of three (3) progressive stages of a water supply conservation and/or water supply shortage which shall conserve or curtail the use of water within the City of Pittsburg; establishing three (3) stages of water conservation measures for the City; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS:

Section 1. Section 82-600 of the Pittsburg City Code is hereby amended to read as follows:

DIVISION 1. GENERALLY

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. Section 82-601 of the Pittsburg City Code is hereby amended to read as follows:

Definitions.

- (a) "Water", as used in this Article, shall mean water available to the City of Pittsburg 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 point of sale site.
- (b) "Customer", as used in this Article, 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.

- (c) "Waste of water", as used in this Article, includes, but is not limited to:
- (1) permitting water to escape down a street, roadway or other surface intended for vehicle driving purposes, and/ or any gutter, ditch, or other surface drain; or
  - (2) failure to repair a controllable leak of water due to defective plumbing.

The following classes of uses of water are established for the purposes of this Article:

**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 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.

**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 livestock and to maintain the standards of hygiene and sanitation. Water used for fire protection.

Section 3. Section 82-650 of the Pittsburg City Code is hereby amended to read as follows:

DIVISION 2. POLICIES AND PROCEDURES

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 3(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 3 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.

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 4. Section 82-651 of the Pittsburg City Code is hereby amended to read as follows:



Voluntary Conservation Measures.

Upon the declaration of a water watch or water warning as provided in Sections 3(a) or 3(b), 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 of water.
- (b) Waste of water.

Section 5. Section 82-652 of the Pittsburg City Code is hereby amended to read as follows:

Mandatory Conservation Measures.

Upon the declaration of a water supply emergency as provided in Section 3(c), the city manager or city's designated 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 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  
Any combination of the measures in sections 5(a-e) as the governing body of the City or the city's designated official may deem appropriate and / or necessary.

Section 6. Section 82-653 of the Pittsburg City Code is hereby amended to read as follows:

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. Section 82-654 of the Pittsburg City Code is hereby amended to read as follows:

Regulations.

During the effective period of any water supply emergency as provided for in Section 3(c), the city manager or or the city's designated official 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 or special meeting.

Section 8. Section 82-655 of the Pittsburg City Code is hereby amended to read as follows:

Violations. Disconnections and Penalties.

- (a) If the mayor, city manager, water superintendent, or other designated city official charged with implementation and enforcement of this Article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 5 or 7 of this ordinance, 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 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 is ordered; and

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 \$50.00 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 \$200.00 for the second reconnection and \$300.00 for any subsequent additional reconnections within a one (1)-year period.

Violations of this Article shall be an unclassified misdemeanor 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 an unclassified misdemeanor offense. 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 \$100.00. 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 thirty (30) days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. 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 thirty (30) days.

Section 9. Section 82-656 of the Pittsburg City Code is hereby amended to read as follows:

Emergency Termination.

Nothing in this Article 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 necessity of the City by such city official or the governing body of the City.

Section 10. Section 82-657 of the Pittsburg City Code is hereby amended to read as follows:

Severability.

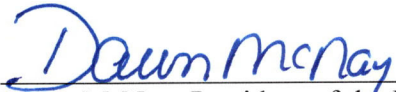
If any provision of this Article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Article and its applicability to other persons and circumstances shall not be affected thereby.

Section 11. This ordinance shall take effect and be in force from and after its passage and

Publication of its summary in the official city paper.



PASSED AND APPROVED BY THE GOVERNING BODY OF PITTSBURG,  
KANSAS, this 23rd day of July, 2024.

  
Dawn McNay, President of the Board

ATTEST:

  
Tammy Nagel, City Clerk

(SEAL)

