

ORDINANCE NO. 1715

**AN ORDINANCE AMENDING CHAPTER FIFTEEN, ARTICLE TWO OF
THE CODE OF THE CITY OF NORTON, KANSAS, AS IT PERTAINS
TO WATER, WATER USAGE AND WATER CONSERVATION.**

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

Section 1: That Chapter Fifteen, Article Two of the Municipal Code of the City of Norton, Kansas, shall be amended to read as follows:

15-210. WATER CONSERVATION RULES.

- a. **Wasting Water:** Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets, household lines inside the property, water service lines, and all apparatus, including all water lines leading from the property to the meter in good condition and in good working order, at their expense.
- b. **Notice of Water Leak.** That the City keeps records of all use and prior use of water by customers. Should the City find that the use by a customer becomes so excessive that the facts would support a water leak on the property of the customer, the City will so notify the customer verbally and/or in writing. Failure upon the part of any consumer or owner to repair any determined excessive leak occurring upon their service lines within thirty (30) days after notice has been given, will result in the right of the City to shut off water service to the customer. Notice of termination of services for excessive water based upon a probable leak shall be limited to those cases in which the City's services or cost of water waste, or the property of the City or property of others is impaired to the detriment of the City/others or the public. Said service will not be reconnected until such time as the customer has established that the leak has been fixed. Once the customer has established the leak is fixed, the City will reconnect services to the customer without a reconnect fee. A customer given a water leak notice to repair shall have the right to a hearing on the water line repair/shut off notice and said hearing shall take place within ten days of request. Said hearing officer shall be as set forth in City Code 15-106 and said hearing officer shall have the right to make a final determination as to whether the notice to repair/shut off notice was fair and reasonable based upon a preponderance of the evidence.
- c. **Water Conservation Practices.** Outdoor watering, including the irrigation of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation, with potable water shall be prohibited between the hours of 10:00 a.m. to 6:00 p.m. from Memorial Day through Labor Day of each year. Outdoor watering shall be limited to every other day. Residential or business properties with addresses ending in an even number shall water

on even numbered calendar days and those with addresses ending in an odd number shall water on odd numbered calendar days. An exception shall apply to potted plants, which shall be allowed to be hand watered each day, regardless of the day of the week, and only during permitted hours. There will be no restrictions on outdoor watering for certain businesses including car washes and businesses that sell outdoor plants, shrubs, and trees. Upon application and good cause, a special permit may be issued by the City to allow watering of newly seeded lawns or sod, with the terms and conditions of said permit to be established by the City. Should persons or businesses desire a schedule for watering other than every other day, such as Monday – Wednesday – Friday, they shall make application to the City office who shall provide approval when such plan is reasonable and furthers the interest of water conservation practices. Private wells shall be allowed to be used without the restrictions herein, but well owners shall apply for and receive a “Private Well Permit” from the City, which the owners shall post.

- d. **Penalties.** Any violation of the Water Conservation Rules as set forth in this section may subject the landowner, business, customer, or consumer to a civil penalty of \$25.00 per day for each violation, or for the charging of such violation criminally under the General Penalty Section of the Code of the City of Norton 1-702. Any civil penalty will be paid within thirty (30) days of assessment, and if it is failed to be paid, it will be added as a utility billing cost on the customer’s Utility Service Bill. Customers receiving a civil penalty shall have a right to appeal said penalty to the Hearing Officer under 15-106 and said Hearing Officer shall make a determination whether said penalty was fair and reasonable based upon a preponderance of the evidence.

Section 2: That any ordinance in conflict herewith is hereby repealed.

Section 3: This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Norton, Kansas, this 1st day of August, 2018.

/s/ James L. Miller, Mayor

Attest:

/s/ Darla R. Ellis, City Clerk

3 Reading Rule: *waived*