

# Public Notice

## Water Drought emergency ordinance published

Published in the Bird City Times, Bird City, Kansas, Thursday, June 7, 2012. (23)

### WATER DROUGHT/EMERGENCY ORDINANCE

Ordinance No. 327

An ordinance authorizing the declaration of one of three 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 Bird City ("the City"); establishing three stages of water conservation measures for the City; a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

#### Be it Ordained by the Governing Body of the City of Bird City, Kansas.

Section 1. 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. Definitions.

- (a) "Water", as used in this ordinance, shall mean water available to the City of Bird City 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 coin-operated site.
(b) "Customer", as used in this ordinance, 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 ordinance, 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.
(d) The following classes of uses of water are established for the purposes of this ordinance:

#### 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 livestock pets and maintain standards of hygiene and sanitation.

Section 3. 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 the probability of a drought or some other condition causing a major water supply shortage is rising, 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, Division of Water Resources, Kansas Department of Agriculture, 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, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on water use may be extended to private wells within the City limits.

Section 4. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3(a) or 3(b), the mayor 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. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 3(c), the mayor (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 2(d), wholly or in part;
(c) Restrictions on the sales of water at coin-operated 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 5(a-e) as the governing body of the City or authorized city official may deem appropriate and / or necessary.

Section 6. 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. Regulations. During the effective period of any water supply emergency as provided for in Section 3(c), the Mayor (or city Superintendent or other authorized city official) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, 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. Violations, Disconnections and Penalties.

- (a) If the mayor, city 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 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 \$25.00 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 \$50.00 for the second reconnection and \$100.00 for any subsequent additional reconnections within a one (1) year period.

- (c) Violations of this ordinance 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 ordinance shall be guilty of a municipal 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 five (5) days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed Ten (10) days.

Section 9. Emergency Termination. Nothing in this ordinance 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 10. 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 11. This ordinance shall become effective upon its publication in the official city newspaper.

Passed by the governing body this 4th day of June, 2012.

Troy D. Burr, Mayor

Attest: DeAnza Ambrosier, City Clerk

## Celebration planned for the Fourth of July

By Karen Krien

Just how many hot dogs can a person eat? Those who think they are a great hot dog lover and a big, fast eater can put their skill to the test on July 4 in St. Francis.

The Fourth of July Committee is holding a hot dog eating contest in front of Uptown Market at noon. There is a limit to 10 contestants and it is important to sign up at Uptown Market as soon as possible or call 332-2774.

Each contestant will have 12 minutes to eat as many hot dogs plus the buns as fast as they can. The winner will receive a trophy, \$50 in prizes and 24 packs of hot dogs.

The hot dog eating contest is just one of the fun and exciting events planned for the Fourth of July celebration.

The day starts at 7 a.m. with a triathlon organized by Margaret Poling.

There will be a children's parade in the park along with games starting at 10 a.m. Last year, children paraded around the band shell with wagons, trikes, scooters and baby strollers decorated in red, white and blue. Many of the children were also dressed in bright, patriotic colors.

Later, the park was filled with children playing games and winning prizes. Sharissa Andrist is in charge

of the park activities.

Kids can also participate in the "Childrens' Group Singing" of patriotic songs. They should meet at approximately 8:30 p.m. in front of Roger Neitzel Heating and Air Conditioning building.

Adults can also join in with the singing from 1:30 to 3:30 p.m. at the "Patriotic Sing-A-Long" held at the Cheyenne County Museum as part of the museum's open house.

Other activities include the Community Garden open house, a fishing contest, a road rally and Karaoke. Throughout the evening, people will start gathering at Park Hill Restaurant, at Neitzel's Heating and Air Conditioning and across highway waiting for the fireworks to start. People are urged to bring lawn chairs and blankets.

While they wait, they will have a variety of food vendors to buy from. The Shriners will be serving cotton candy, snow cones, popcorn, sodas and water. The Trolley Concessions from Goodland will be serving nachos, funnel cakes, tater twists and corn dogs.

At 9:55 p.m., as it is growing dark, the patriotic music, provided by Randy Smestad, will sound and the fireworks will light up the sky. The fireworks and music will last for 50 to 55 minutes.

## McDonald News

By Sandy Binning

Jim and Lois Morelock spent the weekend in Salina with Wayne and Peggy Sager and family. They enjoyed watching Kyler play basketball in the summer league in Hays. Jim also attended his alumni in Alma, Kan.

Gilbert and Janice Antholz at-

tended the wedding of Curtis and Bethany Katt in Quinter Saturday evening. Gilbert and Janice Antholz, Clint and Jenny Antholz and sons, Cristi Antholz, Cort and Hallie Antholz, and Clint and Kayla Bursch and Matilynn all enjoyed Sunday dinner together at the Bird City Diner.

AG DEALER INVENTORY HOTLIST INTERNET AUCTION FRI., JUNE 15 Bidding starts to close at 10 a.m. CDT 45+ ASSETS SELLING... INVENTORY FROM: PRAIRIELAND PARTNERS, CTI CONCORDIA TRACTOR INC., 21st CENTURY EQUIPMENT LLC, GREENWAY EQUIPMENT, INC. (6) COMBINES, (8) TRACTORS, (12) HEADERS, (3) APPLICATION EQUIP, (11) HAY/ FORAGE, (4) PLANTING/SEEDING, (2) TILLAGE AND MORE. 866.608.9283 BID NOW! www.purplewave.com

Light the way to a cure Keep the fire of hope burning by purchasing a luminaria candle in memory of someone lost to cancer, in honor of someone still fighting, or in special recognition of someone who has beaten this dreaded disease. RELAY FOR LIFE OF CHEYENNE COUNTY SATURDAY & SUNDAY - JUNE 9 & 10 7 P.M. - 7 A.M. AT SAWHILL PARK IN ST. FRANCIS Complete this form and send it along with your donation to: The Saint Francis Herald, P.O. Box 1050, Saint Francis, Ks. 67756 Name: Address: City: Daytime Phone: Please join us for the luminaria ceremony at 9 p.m. or dark \$10.00 per luminaria please! In honor of In memory of In honor of In memory of In honor of In memory of TOTAL ENCLOSED Makes Checks Payable To: The American Cancer Society

ACROSS 1. Arrest, slangily 5. Nay sayer 9. Jordan's capital 14. Zion National Park state 15. Like good pastrami 16. Note from the boss 17. Reason for a procrastinator to shave? 20. Low-budget prefix 21. Front end of a bray 22. "Guarding \_\_\_" (1994 movie) 23. China's longest river 26. Ho-hum 28. Senate spots 30. Natural talents 34. Mil. address 37. Vincent Lopez's theme song 39. Stan's slapstick partner 40. Comedy show for procrastinators? 44. Political influence 45. Mushroom part 46. "Omigosh!" 47. Greek messenger to the gods 49. Sound from the bull pen 52. Early VCR format 54. Like pre-1917 Russia 58. Smooth-tongued 61. City area, informally 63. Seaweed-wrapped fare 64. Pre-2001 World Series, to a procrastinator? 68. Fred's dancing sister 69. Rex's sleuth 70. Istanbul inhabitant Procrastinators 71. Inventor Nikola 72. Playing hooky, to a GI 73. Wimbledon units DOWN 1. Gary of "The Buddy Holly Story" 2. Erie Canal city 3. WASP part 4. Summer footwear 5. The whole schmear 6. Prefix with classic or natal 7. Dashboard gauge, briefly 8. Readied, as a printing press 9. Blond shade 10. Trattoria spheroid 11. Iranian of old 12. Author Oz 13. Anchor's concern 18. Sheep shelter 19. Feudal drudge 24. Off-the-wall 25. Some jackets or collars 27. Zillions 29. Gill openings 31. "Would \_\_\_ to you?" 32. Tear apart 33. Be "it," in a game 34. Yiddish author Sholem 35. Act the crybaby 36. \_\_\_ close to schedule 38. Powers or Smart 41. Ignoramus 42. To \_\_\_ (perfectly) 43. Managed care gps. 48. Bit of theater litter 50. Tabula \_\_\_ (clean slate) 51. Has confidence in 53. Skybox locale 55. One Time? 56. Gambler's loss, figuratively 57. Watch sounds 58. Pesky flier 59. Prospector's strike 60. Oscar winner Burl 62. Witch's concoction 65. "Peel \_\_\_ grape" 66. \_\_\_-Magnon 67. Cyber-guffaw Brought to you by: The Saint Francis Herald