



AGENDA

CITY COUNCIL WORKSHOP (7 P.M. OR IMMEDIATELY AFTER SPECIAL MEETING)

7651 E. Central Park Ave, Bel Aire, KS

Video Available at belaireks.gov

September 09, 2025 7:00 PM




I. Water Code Revisions, Articles 4, 5, 6 & 7

A. Water Code Presentation

B. Discussion

Notice

It is possible that sometime between 6:30 PM and 7:00 PM, immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed at www.belaireks.gov or on YouTube. Please make sure all cell phones and other electronics are turned off and put away.



City Council
Meeting
Sept. 9, 2025



Comprehensive Water Code Revision

The Water Code refresh is intended to:

- Increase the transparency of City processes
- Improve City's interactions with almost every citizen
- Serve as the first step to wide-scale Code improvement

Clearer communication with water users

The Water Code refresh will:

- Make code language simpler to understand
- Make code sentence structure more straightforward
- Eliminate redundancies and conflicts that have crept in through incremental changes

Improving interactions with water users

The Water Code refresh will also accomplish:

- Providing the required due process protections for customers
- Implementing industry best practices that have developed
- Engaging available enforcement tools for code compliance
- Improving service delivery processes

Article 4 substantive changes

This Article addresses system cross connection and backflow devices. It is technical in nature, and its requirements are supported by the City's Plumbing Code.

- 16.4.1 and 16.4.3 The Community Development Director's role in initial residential plumbing inspections and code enforcement is identified
- 16.4.1 Clearer definitions are provided for potable water and plumbing systems
- 16.4.4 The right of entry for administrative searches is made consistent with similar provisions throughout the Water Code
- 16.4.5 The City Engineer is granted authority to

Article 4 substantive changes

- 16.4.5 Technical plumbing system requirements are made subject to the more stringent of this Code or the then-currently recognized plumbing code
- 16.4.6 The account holder is identified as the person responsible for maintenance and reporting
- 16.4.6 The exception to the requirement for annual inspections granted to lawn sprinkler systems (currently biennially) is eliminated
- 16.4.6 The filing fee associated with annual backflow reports is eliminated
- 16.4.7 The City's enforcement options (water shut-off and/or nuisance citations) are extended to failure to file the required backflow report

Article 5 substantive changes

This Article sets out the City's powers under water emergency situations.

- All of the substantive changes to this Article are presented to bring it into conformity with the City's 2025 Municipal Water Conservation Plan
- That Plan and the provisions of Article 5 would be consistent if approved
- 16.5.1 Recognizes the City's contractual obligation to its wholesale water vendors to follow escalating drought stage water use restrictions
- 16.5.3 Sets out a Water Watch, a Bel Aire-specific advance notice to its citizens of possible water use restrictions due to an impending drought

Article 5 substantive changes

- 16.5.4 Sets out a Water Warning, the first level of water restrictions and the triggering criteria
- 16.5.5 Sets out a Water Emergency, with its higher level of water restrictions and the triggering criteria
- 16.5.7 Acknowledgement that the City must, by contract, follow the more restrictive of these or its vendors' current restrictions
- 16.5.11 Sets out the due process procedures to be followed before water service can be shut off for a violation of water use restrictions
- 16.5.12 Escalating fees are to be set in the Master Fee Schedule to address repeat offenders

Article 6 substantive changes

This Article sets the framework for enforcement of violations of the prior five Articles.

- 16.6.2 The Enforcing Officer is required to get consent to enter residences, with entry to property subject to warrantless search limits
- 16.6.4 Municipal Court violations only pursued on approval of the City Attorney and only for intentional violations
- 16.6.5 Detailed service of notice procedure added for due process
- 16.6.6 Administrative hearing requests and procedures are consistent with procedures in prior Articles

Article 6 substantive changes

- 16.6.6 Intentional violations are declared a misdemeanor with a penalty of up to \$2,500, subject to City Attorney prosecution approval
- 16.6.9 Retains for the City the ability to abate violations that impact the public health, safety and welfare, and provides for collection of that expense from the account holder responsible
- 16.6.10 Authorizes the City to use third party contractors for abatement, and recover the costs incurred
- 16.6.11 City liability disclaimed arising from regulatory inspections

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Article 7 substantive changes

- This article applies the permanent water use restrictions required of Bel Aire through its wholesale water purchase contracts.
- 16.7.1 Removes definitions tied to the Wichita City Code and substitutes definitions that are uniformly used throughout the Bel Aire Water Code.
- 16.7.2-5 Replaces the City of Wichita definitions with Bel Aire Water Code definitions that are applied throughout this Article 7.
- 16.7.5 Removes the separately stated due process procedures and replaces them by reference to the Article 6 procedures that uniformly apply to violations of the Bel Aire Water Code.

LIFE'S *better* ON THE EDGE!

BEL AIRE, KANSAS



Article 4. Backflow and Cross Connections Control

16.4.1. Definitions.

The following words and phrases when used in this Article have the meanings ascribed to them in this subsection except when the context otherwise requires:

A. **Agency**: the Utility Department of the City of Bel Aire, Kansas which is invested with the authority and responsibility for the enforcement of this Article.

B. **Airgap**: the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

C. **Approved**: accepted by the Agency as meeting an applicable specification stated or cited in this Article, or as the Agency determines to be suitable for the proposed use.

D. **Auxiliary Supply**: any water source or system other than the municipal water system supply that may be available in the building or premises.

E. **Backflow**: the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.

F. **Backflow preventer**: a device or other means used to prevent backflow.

G. **Backsiphonage**: backflow resulting from negative pressures in the distributing pipes of a potable water supply.

H. **Barometric loop**: a loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

I. **Check valve**: a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

J. **City Engineer**: the individual employed or retained by the City to serve in the capacity of City Engineer or such Engineer's designee.

K. **Community Development Director**: the individual employed or retained by the City to serve in the capacity of the Community Development Director, or such Director's designee.

K. **Contamination**: See Pollution.

L. **Cross-connection**: any physical connection between a Potable Water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any Potable Water supply outlet which is submerged or can be submerged in waste water and/or any other source of Contamination, therefore subject to potential Backflow and Backsiphonage.

M. Drain: any pipe that carries waste water or waterborne wastes in a building drainage system into the municipal sewer system or to the building's exterior environment.

N. Fixture: any installed plumbing receptacle, device, or appliance supplied with water or that receive or discharge liquids or liquid-borne wastes to or from any Drain.

O. Flood-level rim: the edge of the receptacle from which water overflows.

P. Health Hazard: any condition or device, in the municipal water system supply or practice engaged in for operation of that system which creates, or, in the reasonable judgment of the City Engineer, may create a danger to the health and safety of the account holder and any water consumer. An example of a health hazard is a structural defect in the municipal water system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the municipal water system supply or cause it to be polluted.

Q. Hydro-pneumatic tank: a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

R. Inlet: the open end of the water supply pipe through which water is discharged into the Fixture.

S. Non-potable Water: Water that is not safe for human consumption or that is of questionable potability.

T. Plumbing Hazard: any arrangement of a building's Plumbing System whereby a cross-connection is created.

U. Plumbing System: the municipal water system supply line and the distribution pipes, Fixtures, and traps; soil, waste, and vent pipes; building Drains and building drainage systems including their respective connections and devices within the property lines of the account holder's premises; and any attached water-treating or water-using equipment within that premises. The Plumbing System of a building includes separate Potable Water supply, sewer and stormwater drainage systems.

V. Pollution: the presence of any foreign substance (organic, inorganic, radiological, or biological) in water or in any medium surrounding or supporting the Plumbing System that tends to degrade water quality so as to constitute a Health Hazard or impair the usefulness of the water.

W. Potable Water: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological and chemical quality of Potable Water shall conform to the requirements of the Federal Drinking Water Standards and to the regulations of the City Engineer.

X. Reduced Pressure Principal Backflow Preventer: an assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.

Y. Surge Tank: the receiving, non-pressurized vessel forming part of the airgap separation between the municipal water supply system and an auxiliary water supply.

Z. Vacuum: any pressure less than that exerted by the atmosphere.

AA. Vacuum breaker, non-pressure type designed so as not to be subjected to static line pressure.

BB. Vacuum breaker, pressure type: designed to operate under conditions of static line pressure.

16.4.2. Responsibilities of the City Engineer.

The City Engineer, shall inspect the Plumbing System in every building or premises in this City as frequently as may be necessary to ensure that such Plumbing System has been installed in such a manner as to prevent the possibility of Pollution of the municipal water system of the City.

The City Engineer shall notify in writing the account holder, and if known to be a separate person or entity, the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the City Engineer, any defect in the Plumbing System installed or existing contrary to or in violation of the Code of this City.

16.4.3 Responsibilities of the Community Development Director.

The Community Development Director shall inspect the Plumbing System installed in every newly constructed residential building or premise in the City prior to the issuance of a certificate of occupancy to ensure that such Plumbing System incorporates Backflow Devices appropriate for the intended applications as would be necessary to prevent the possibility of Pollution of the municipal water system of the City. The Community Development Director shall withhold a certificate of occupancy on any building or premise until this standard is met.

16.4.4. Inspection.

The City Engineer shall have the right to enter any property and any building during business hours or other reasonable hours to inspect the Plumbing Systems installed in such building or premises. Before entering any residence the City Engineer shall obtain consent to such inspection from a person of suitable age and discretion present in the residence or in control of the residence.

16.4.5. General requirements.

A. The Potable Water supply component of a building's Plumbing System shall be designed, installed, and maintained in such manner as to prevent Contamination from Non-potable Water and other liquids, solids, or gases introduced into the Potable Water supply through one or more cross-connections.

B. Cross-connections between Potable Water systems and the building sewage and stormwater drainage systems or other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the City Engineer, suitable protective devices such as the Reduced Pressure Zone Backflow Preventer, or an alternative approved Backflow Prevention Device, are installed, tested, and maintained to insure proper operation on a continuing basis.

C. Interconnection between two or more public water supplies shall be permitted only with the approval of the City Engineer.

D. Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the City Engineer.

E. Potable Water connections to boilers shall be made through an Airgap or provided with an approved Backflow Preventer.

F. Connection to the Potable Water supply component of a building' System for the following Fixtures is prohibited unless protected against Backflow in accordance with the Plumbing Code of this City, or as set out herein.

1. Bidets.
2. Operating, dissecting, embalming, and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.
3. Pumps for non-potable water, chemicals, or other substances; priming connections may be made only through an airgap.
4. Building drainage, sewer, or vent systems.
5. Refrigerator condensers or cooling jackets
6. Any other Fixture reasonably determined by the City Engineer to be of similar hazard.

Except where Potable Water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5 psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

G. A Potable Water system shall be protected against Backflow and Backsiphonage by providing and maintaining at each outlet an airgap between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source or contamination, or backflow preventer. The minimum required airgap shall be measured vertically from the lowest end of the fixture or receptacle into a potable water outlet to the flood rim or line which it discharges. The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three times the effective opening of the outlet. The air gap shall be the greater of this standard or any provided by the Plumbing Code.

H. Before any device for the prevention of Backflow or Backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City Engineer. Devices installed in a Potable Water supply component of a building's Plumbing System for protection against Backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

Vacuum breakers shall be installed with the critical level at least six (6) inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture or at such greater level as set out in the Plumbing Code. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be treated as the flood level rim but a check valve shall be installed on the discharge side of the vacuum breaker.

A reduced pressure principal type backflow preventer may be installed subject to full static pressure.

Where a Potable Water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of a diameter not less than provided by the Plumbing Code, the overflow pipe shall be provided with an airgap as close to the tank as possible.

The Potable Water outlet to the tank or vat shall terminate a distance not less than 1.5 times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the airgap overflow outlet closed, or at such greater height as established in the Plumbing Code.

I. Approved devices to protect against Backflow and Backsiphonage shall be installed at all Fixtures where Backflow and/or Backsiphonage may occur and where a minimum airgap as set by the Plumbing Code cannot be provided between the water outlet to the Fixture's flood-level rim.

J. Where a water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. Conditions requiring protective devices of this kind and method of installation are as provided by the Plumbing Code.

K. Where a Potable Water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an airgap cannot be installed, the City Engineer may require the use of an approved reduced pressure principal backflow preventer.

L. For Potable Water supply connections for which an actual or potential Backsiphonage hazard exists a Barometric Loop may be installed in lieu of devices specified by the Plumbing Code. Barometric Loops shall precede the point of connection.

M. The City Engineer may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices against Backflow in connection between a Potable Water system and other fluid systems which present no significant Health Hazard in the judgment of the City Engineer.

N. When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

16.4.6. Maintenance requirements.

It shall be the responsibility of the account holder to maintain all Backflow Preventers and Vacuum Breakers within the building or on the premises in good working order and to ensure no one makes any piping or other arrangements for the purpose of bypassing or removing Backflow Preventers.

Backflow Preventers shall be inspected annually, any necessary overhaul or repairs made, and a backflow device test report filed with the City of Bel Aire, Kansas. The inspection and testing shall be by a plumber or tester/repair technician certified by the Sedgwick County Health Department and or the City of Bel Aire, and licensed in Bel Aire. Testing procedures shall be in accordance with the manufacturer's instructions and approved by the City Engineer. Backflow prevention devices shall be rebuilt or replaced

upon testing failure or the City Inspector's determination that the system poses a significant/imminent risk to public health.

The annual inspection requirement for Backflow systems not in use may be waived if and only if the subject water connection point is no longer being utilized, has been completely disconnected from the water system and has been capped off. These abandoned systems are required to be reported to the City for inspection by the City Engineer and shall be recorded. Upon return to use, the account holder shall be responsible for installing a backflow prevention device and resuming testing/inspection in accordance with this Code.

16.4.7. Disconnection of water service/prosecution.

Upon failure of the account holder to file the Backflow inspection report when due or to have the defective backflow prevention device corrected within the specified time, the City Engineer may, if in the Engineer's judgment a Health Hazard exists, cause the water service to the building or premises to be disconnected. Additionally, or in lieu thereof, the Engineer may cause a citation to be issued to such account holder for violation of the City's Nuisance Code. All prosecutions for violation of this Article shall be to the City's Municipal Court.

Article 5. Water Drought/Emergency

16.5.1. Purpose.

The City of Bel Aire is governed by water restriction regulations imposed by the City's purchased Water supply vendors, the City of Wichita and Chisholm Creek Utility Authority. These jurisdictions must protect their ability to supply water to Bel Aire and their other customers during all levels of Water supply conditions and they require their customers' contractual compliance with conservation regulations as a condition of providing a Water supply. Accordingly, the City will address Water shortage problems through variable use restrictions to be applied in stages based on water supply conditions. Each stage is more restrictive than the previous stage as water supply conditions deteriorate. As Water supply conditions improve, restrictions may be removed using the same staged process. The City Manager is authorized to declare a Water watch, warning or emergency, and to implement voluntary and mandatory water conservation measures throughout the City when the trigger thresholds are reached for a watch, warning or emergency as set out in this ordinance, the Municipal Water Conservation and Emergency Water Supply Plan.

16.5.2. Definitions.

A. Water, as the term is used in this Article, shall mean Water available to the City of Bel Aire for treatment and distribution by virtue of its water rights or any treated Water from other jurisdictions introduced by the City into its municipal water system, including water offered for sale at any coin-operated site.

B. Customer, as the term is used in this Article, shall mean the account holder(s) using Water for any purpose from the City's water 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 the term is used in this Article is the use of Water in a nonproductive manner, and includes, but is not limited to:

1. permitting Water to escape down a gutter, ditch, or other surface drain; or
2. failure to repair a controllable leak of Water due to defective plumbing.

D. Municipal Water Conservation Plan, as the term is used in this Article, is the organized set of policies and procedures which the City uses to address Water supply shortages. That Plan must comply with the requirements of K.A.R. 28-15-18.

E. The following classes of uses of Water are established:

1. Class 1: Water used for public or private outdoor irrigation of gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; non-commercial washing of motor vehicles, boats, trailers, or washing the exterior of any building or structure.
2. Class 2: Water used for any 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.

3. Class 3: Domestic Water usage, other than that which would be included in either Class 1 or 2.
4. Class 4: Water use as necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

16.5.3. Declaration of Water watch.

A. Whenever the City Manager deems that conditions indicate that the probability of a drought or some other condition causing a major Water supply shortage is rising, he or she may declare that a Water watch exists and to require that City staff inform the public of the Water watch and ask for voluntary reductions in Water use through local media. The Water watch will continue until it is declared by the City Manager to have ended. If not already issued, a Water watch notification would be issued under conditions triggering Stage 1 of the Municipal Water Conservation Plan.

B. The Water Watch Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage has fallen below 70% capacity and has a slower than normal recovery rate
2. Demand for any single day is in excess of 1.6 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 1 Water Watch.

16.5.4. Declaration of Water warning.

A. Whenever the City Manager finds that drought conditions or some other condition causing a major Water supply shortage are present and Water supplies are starting to decline, he or she will declare that a Water warning exists, will recommend restrictions on nonessential uses while the Water warning is in effect and will require City staff to inform the public through local media. The Water warning will continue until it is declared by the City Manager to have ended. A Water warning notification would be issued under conditions triggering Stage 2 of the Municipal Water Conservation Plan.

B. The Water Warning Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 60% capacity
2. Demand for any single day is in excess of 1.8 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 2 Water Warning.

16.5.5. Declaration of Water emergency.

A. Whenever the City Manager finds that a Water emergency exists due to a shortage of Water supply needed for essential uses, he or she shall declare that a Water supply emergency exists and will impose mandatory restrictions on Water use during the period of the emergency. The City Manager will

require City staff to notify the public of the mandatory restrictions through local media. The Water emergency will continue until it is declared by the City Manager to have ended. A Water emergency notification would be issued under conditions triggering Stage 3 and Stage 4 of the Municipal Water Conservation Plan.

B. The Water Emergency Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 50% capacity
2. Demand for any single day is in excess of 2.0 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 3 Water Emergency
4. Emergency conditions related to municipal water system repairs or Water supply quality control

16.5.6. Voluntary conservation measures.

A. Upon the declaration of a Water Watch as provided in Section 16.5.3 the City Manager shall request all Water Customers to employ voluntary Water conservation measures to limit or eliminate Class 1 Water uses including, but not limited to:

1. Curtailing of some outdoor water use
2. Employing efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

B. Upon the declaration of a Water Warning as provided in Section 16.5.4, the City Manager shall request all Water Customers to employ voluntary water conservation measures to limit or eliminate Class 1 Water uses and to mandate appropriate Water Use limitations on Class 1 and 2 Water uses including, but not limited to, the following:

1. A City-wide lawn watering schedule applied through the use of designated zones
2. Any mandatory restrictions required by any of the City's Water supply vendors

16.5.7. Mandatory conservation measures.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5 the City Manager shall 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 or more classes of Water use, 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. Rationing upon any of the following criteria will be per se reasonable: a percentage of normal use; per capita based on Customers or restrictions per account holder
5. Complete or partial bans on the Waste of Water; and
6. Any combination of the foregoing measures

B. The City will adopt and enforce as its own act any Water use restrictions contractually required of the City by any Water supply vendor resulting from a Water supply shortage experienced by that vendor.

C. Violation of any mandatory Water conservation measures shall be enforced through the City's municipal court as violations of this Code in conformance with the City's general penalty clause.

16.5.8. Emergency water rates.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5, the City Council shall have the power to adopt emergency Water rates by Resolution. Such temporary emergency Water rates should be designed to encourage conservation of the Water supply.

B. 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. additional charges in excess of a specified level of water use (excess demand surcharge).

16.5.9. Emergency regulations.

During the effective period of any Water emergency, the City Manager 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.

16.5.10. Notice of disconnection for violation of regulations.

If the City Manager or other city official charged with implementation and enforcement of this Article or a Water Emergency Resolution learns of any violation of any Water use restrictions imposed pursuant to Section 16.5.7 or Section 16.5.9 of this Article, a written notice of the violation shall be affixed at the service location where the violation occurred and the account holder, any other person known to the City who is responsible for the violation or its correction, and any tenant of the premises known to the City, shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated within such specified time as the City determines is reasonable under the circumstances. Such notice shall also advise that failure to bring such condition or process into compliance within five business days of the delivery of such notice will subject the account holder to disconnection of municipal water service with no further notice. Proceeding in accordance with this Section shall not bar City staff from issuing citations for any violation as otherwise provided in this Chapter.

16.5.11. Disconnection (shut-off).

A. Upon verification that an account holder who was issued a Notice pursuant to Section 16.5.10 has failed to correct, cure or abate the identified violations of emergency Water regulations, the City may shut-off Water service to the service location upon which the violation(s) occurred until the City's code enforcement official verifies that the defect resulting in the disconnection has been cured.

B. City disconnection of Water service for failure to follow emergency Water regulations is subject to the following procedures:

1. After the City has given the customer notice as set out in 15.5.10 the account holder shall have the opportunity to appeal the termination by requesting a hearing scheduled before the City Manager within two business days from the expiration of the five-business day cure period.
2. If such a hearing is requested by the account holder charged with the violation, he or she shall be given an opportunity to be heard before termination is ordered; and
3. The City Manager shall make findings of fact and order whether service should continue or be terminated.

16.5.12. Reconnection.

The account holder shall pay a fee for reconnection of any municipal Water service disconnected pursuant to this Article. The fees imposed for violations of the City's emergency Water conservation regulations shall escalate from that of a first offense to a second offense, and from a second offense to a third and subsequent offense at levels set out in the City's Master Fee Schedule.. Standard administrative fees will also apply and all such fees must be paid in full before the City reinstates municipal water service.

16.5.13. Emergency termination.

Nothing in this Article shall limit the ability of any authorized City official from terminating the supply of Water to any account holder or tenant upon the determination of such City official that emergency termination of Water service is required to protect the health and safety of the public.

Article 6. Enforcement and Penalties

16.6.1. Enforcement officers; jurisdiction.

Enforcement of this Chapter within the boundaries of the City shall be by the City Engineer, Building Inspector, other designated code enforcement official(s) or contracted agent of the City (Enforcing Officer), and jurisdiction for prosecution of any violations of this code shall be in the Bel Aire Municipal Court.

16.6.2. Right of entry.

The Enforcing Officer is authorized to enter upon unsecured private property at all reasonable hours for the purpose of enforcing the provisions of this Chapter, but only with a warrant or as consistent with warrantless search exceptions. Before entering any residence without a warrant, the Enforcing Officer shall obtain consent to such inspection from a person of suitable age and discretion present in the residence or in control of the residence.

16.6.3. Unlawful interference.

It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the Enforcing Officer from entering upon any property to carry out the duties described in this Chapter.

16.6.4. Enforcement; enforcement actions not exclusive.

A. Upon failure of the account holder to have a water distribution defect or other violation of this Chapter corrected within the time provided in the violation notice, the Enforcing Officer may cause the municipal water service to the service location to be disconnected after compliance with the due process provisions of this Article. All applicable administrative fees and provisions shall be enforced.

B. Intentional violation of any provision of this Chapter is grounds for prosecution of the property owner, resident, account holder, permit holder, or any other responsible party, but only upon review and approval of the City Attorney.

C. The prosecution and/or imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Chapter or to collect fees and charges in a civil or administrative action, and specific authority for such is hereby granted to take any action or impose any penalty allowed by the State law, this Chapter or any provision of this Code.

D. Violation of those sections of this Chapter associated with the installation, permitting, connection, or tap-on to the water system, is grounds for immediate revocation of an occupancy permit by the City.

16.6.5. Notice of violations.

A. Notice of violation associated with the service location detailing any violations of this Chapter shall:

1. Be in writing;
2. Describe the violations alleged to exist or to have been committed;

3. Provide a reasonable time for the correction of the violations described;
4. Be served upon the account holder or designated agent. An account holder who allows a tenant or other person to occupy the service location property without modifying the account is deemed to have designates such occupant as a designated agent.
5. Service of the notice can be accomplished by one or more of the following methods: personal service upon the account holder or a designated agent at of the service location property of lawful age, posting upon the property, placement of a door hanger, regular mail, publication or as otherwise requested in the account application. Notice to account holders at the address provided in the account application or as subsequently modified by the account holder's written request is deemed completed. Failure of the account holder to receive notification which the City provides by using the current account information will not alter the effectiveness of the notice.

B. All notices required by this Chapter which may be served upon tenants shall also be served upon the record owner of title to the property. Should there occur a change in the record title owner subsequent to the giving of notice pursuant to this section, the City may not recover any costs of abatement or levy an assessment for costs of abatement unless the new record title owner of such property has been provided notice as required by this Chapter, which may include notice of assessment filed with the appropriate agencies of Sedgwick County. Additionally, notices under this Chapter may be sent to prospective purchasers associated with any property in violation of this Chapter which is under a pending contract.

16.6.6. Administrative hearing/review.

Any person wishing to contest a notice to correct a violation has the right to an administrative hearing before the City Manager. Such hearing must be requested in writing and the request must be received at the office of the Utility Department no later than two (2) business days prior to the deadline for correction set in the notice. The format of the administrative hearing shall be a review of all written and photographic documentation submitted by the party requesting such hearing, all documentation maintained and presented by the Enforcement Officer, and oral testimony from the parties.

The decision of the City Manager shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the State of Kansas under the provisions of K.S.A. 60-2101(d).

16.6.7. Uniform complaint and notice to appear.

In addition to the notice provided for in section 16.5.5, the Enforcing Officer may commence prosecution of intentional violations by issuing to the account holder, tenant or occupant a uniform complaint and notice to appear charging a violation of any section of this Chapter, subject to the approval of the City Attorney.

16.6.8. Violations, penalties.

Intentional violation of any provision within Article 6 of this Chapter is a misdemeanor punishable by a fine in an amount up to \$2,500.00.

16.6.9. Abatement; assessment of costs.

A. If within the time allowed for abatement or cure in the violation notice the account holder, or known tenant or occupant of the service location premises fails to comply with the directives contained in the notice, and further fails to timely file a request for administrative hearing, the Enforcing Officer may reasonably abate any violation, when such code enforcement officer deems the immediate abatement necessary to protect the health, safety, and welfare of any individual, property, or the community. The City and its agents shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the service location property for abatement action. If the account holder does not reside at the service location and the violation does not endanger public health, safety and welfare, abatement shall only take place either five days following the date of receipt provided on a return receipt of delivery, or ten days following the date of publication in an official City newspaper, whichever date is first.

B. The costs incurred by the City for any abatement action undertaken by the Enforcing Officer pursuant to this section of this Chapter shall be reported in detail and in writing by said Officer to the City Clerk. The City Clerk shall keep an account of such costs, as well as all costs of notices, service and/or mailing or other delivery of notices and publication of notices required by this Chapter, allocated to the associated service location. The City Clerk shall provide the report and accounting required by this section to be entered in the appropriate city record and report the same to the City Council.

C. The City Clerk shall, within ten (10) days of receipt of the Enforcing Officer's report of costs, give notice to the account holder, and any other known owner, occupant or agent in charge of the property of the costs required to be reported by subsection B of this section and such notice shall include a statement requiring payment of the costs to the City within thirty (30) days following receipt of such notice. Should the account holder and any other known owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the City indicating such refusal, the City Clerk shall send to the account holder and any known owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the account holder and any other addressees shall be deemed to have occurred upon such mailing. The City Clerk shall maintain records detailing the method and time of sending and receipt of such notice.

D. Should the costs remain unpaid after thirty (30) days of receipt of the notice provided for in this Chapter, and the responsible account holder is the owner of the service location property, the City Clerk shall, at the time required by law for certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the service location property.

E. In addition to levying a special assessment against the property upon which the violation(s) was/were located as provided for in this section, the City may also elect to collect the unpaid portion of the costs provided for in herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy special assessment, but only until such time as the full costs have been paid in full.

16.6.10. Authorization to contract for services.

In the event the account holder fails to comply with a violation notice and it becomes necessary for the Enforcing Officer to abate the violation(s), such Officer is authorized to contract with a service vendor to complete the violation abatement, and the costs of such service vendor shall be included in the report of costs under 16.6.09.B.

16.6.11. Liability.

The City provides inspections for regulatory purposes only, and not to determine the functional effectiveness or safety of any installation or condition. These regulatory inspections do not impose on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property, any injury to any person or other liability loss arising out of or resulting from defective installation; natural, inherent or constructed condition; or any other reason.

Article 7. Permanent Watering Restrictions

16.07.01 Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this section:

(A) “Retail customer” means the residential or commercial account holder on the water utility account at any given service location.

(B) “Variance” means an exception from the restrictions in this Article, applied for and granted as approved by the City Manager.

(C) “Water” means potable water furnished through the distribution system of the City of Bel Aire’s water utility, and accordingly, does not include water drawn by customers from their own wells or water accumulated by customers from rainfall or natural storm runoff in rain barrels, cisterns, tanks, channels, basins, ponds or similar storage structures.

(D) “Watering” means outdoor use of water for irrigation, including irrigation with container, hose, drip or spray irrigation mechanisms.

(E) “Watering by spray irrigation” means a method of applying water through a network that may consist of pumps, valves, pipes, and sprinklers in a controlled manner so that it is distributed similar to rainfall.

16.07.02 Restrictions on Watering.

When no broader restrictions are in effect due to a drought emergency response, it shall nevertheless be unlawful for any account holder to engage in or to permit another person to engage in watering at such account holder’s service location between the hours of 10:00 AM and 6:00 PM on any day.

16.07.03 Restrictions on Watering by Spray Irrigation.

When no broader restrictions are in effect due to a drought emergency response, it shall nevertheless be unlawful for any account holder to engage in or to permit another person to engage in watering by spray irrigation at such account holder’s service location:

- (A) No Watering between the hours of 10:00 AM and 6:00 PM on any day;
- (B) No Watering on Mondays
- (C) If the last numerical character in the address of the customer’s metered customer

premises is an odd number: watering may only occur on Wednesday, Friday and Sunday (e.g., Wednesday watering before 10:00 AM or after 6:00 PM.) If the last numerical character in the address of the customer’s metered customer premises is an even number: watering may only occur on a Tuesday, Thursday, and Saturday (e.g., Tuesday watering before 10:00 AM or after 6:00 PM).

16.07.04 Variances.

The City Manager or designee is hereby authorized and directed to establish criteria for granting variances from the restrictions in this Article in cases where special circumstances attendant upon isolated and infrequent activity (such as seeding or sodding) may reasonably necessitate a limited period of daily

watering by spray irrigation, when requested by account holders. Provided, however, no such variances may be granted when drought emergency restrictions are in effect.

16.07.05 Violations and Penalties.

(A) Upon violation of any water use restrictions imposed pursuant to this Section 16.07.02 or Section 16.07.03 of this Article, written notice of the violation shall be given using the procedures set out in Section 16.06.005. If the violation described in the notice is not abated as directed, the City Manager or designee may assess an administrative fee to the account holder in accordance with the standards in subsection (b), below, subject to the Administrative Review procedures set out in Section 16.6.6.

(B) Upon the first violation of any water use restrictions imposed pursuant to Section 16.07.02 or Section 16.07.03 of this Article, the City will issue the account holder a written warning. After a second violation at a single service location the City will charge the account holder an administrative fee of \$50. Subsequent violations will be punishable with an administrative fee of \$100 per violation.

(C) All administrative fees shall be subject to the same terms of payment that are set for regularly scheduled water meter charges, following the completion of the procedures in subsection (A), above.