

ORDINANCE NO. 735

AN ORDINANCE RELATING TO MANDATORY WATER CONSERVATION MEASURES; IMPOSING PERMANENT WATERING RESTRICTIONS WITHIN THE CITY OF ROSE HILL, KANSAS AND PENALTIES FOR VIOLATION; AMENDING CHAPTER 15 ARTICLES 4 AND 6 OF THE ROSE HILL CODE AND REPEALING THOSE PROVISIONS AND ORDINANCES CONFLICTING WITH THE SAME.

WHEREAS, the City of Rose Hill, Kansas (“City”) executed an agreement for wholesale water services with the City of Wichita requiring the implementation of a drought response plan upon written notice by the City of Wichita; and

WHEREAS, the purpose of this ordinance is to update the City’s Water Conservation/Emergency Response Measures into conformity with the City of Wichita’s Draught Response Stages and Permanent Water Restrictions effective September 15, 2025.

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

Section 1. Section 15-402 of the Rose Hill Code is hereby amended to read as follows:

Definitions.

The following terms shall have the meaning ascribed to them in this section:

- (a) “Class 1” means 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 area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- (b) “Class 2” means 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.
- (c) “Class 3” means Domestic usage, other than that which would be included in either Classes 1 or 2.
- (d) “Class 4”. Means Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

15-405. Mandatory conservation measures.

follows:

Section 4. Section 15-405 of the Rose Hill Code is hereby amended to read as

(b) Waste of water.
(a) Class 1 uses of water.
not limited to, limitations on the following uses:
conservation measures to limit or eliminate nonessential water uses including, but
Administrator) is authorized to call on all water customers to employ voluntary water
Upon declaration of a water supply emergency by the Governing Body, the City

15-404. Voluntary Conservation Measures.

Section 3. Section 15-404 of the Rose Hill Code is hereby amended to read as follows:

article.
implement voluntary and mandatory conservation measures as set forth in this
resources for any reason, the Governing Body may declare a water emergency and
governing body of the City determines there is need for conservation of City's water
determines that the City's water supply may be subject to a shortage in supply or the
In the event that the Governing Body of the City or the City's designated official

15-403. Declaration of Water Emergency.

Section 2. Section 15-403 of the Rose Hill Code is hereby amended to read as follows:

conditions continue.
public need cannot be met or cannot be met in the near future if present
supply system that reduce the volume or pressure of water so that essential
(h) "Water Supply Emergency" shall mean the existence of conditions in the water
distribution system, including water offered for sale at any coin-operated site.
supply contracts or any treated water introduced by the City into its water
Hill for treatment by virtue of the City's water rights, water supply, water
(g) "Water" as used in this article, shall mean water available to the City of Rose
controlable leak of water due to defective plumbing.
down a gutter, ditch, or other surface drain, or (2) failure to repair a
(f) "Waste of Water" includes, but is not limited to (1) permitting water to escape
which a regular charge is made.
using water for any purpose from the city's water distribution system and for
(e) "Customer" as the term is used in this chapter means the customer of record

Upon the declaration of a Water Supply Emergency by the Governing Body, the Mayor or City Administrator is authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (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 water supply emergency;
- (b) Restrictions on the uses of water in one or more classes of water use as defined herein, 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 15-405(a-e) as the governing body or authorized city official may deem appropriate and/or necessary.

Section 6. Section 15-406 of the Rose Hill Code is hereby established to read as follows:

15-406. Emergency water rates.

Upon the declaration of a water supply emergency, 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 15-407 of the Rose Hill Code is hereby established to read as follows:

15-407. Regulations.

During the effective period of any water supply emergency as provided for in this Chapter, the mayor (or city administrator or water superintendent or other authorized city 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 15-408 of the Rose Hill Code is hereby established to read as follows:

15-408. Violations, disconnections and penalties.

(a) Upon violation of any water use restrictions imposed pursuant to Article 6 of this chapter, written notice of the initial violation shall be given to the customer or any other person known or believed to be responsible for the property where the violation occurs, or affixed to the property where the violation occurs. Such notice shall include a description of the violation and state the following:

1. The property is in violation of this chapter and the customer may be assessed an administrative fee and may have water services restricted if violation continues;
2. The customer or any other person known or believed to be responsible for the property where the violation occurs is ordered to correct, cure or abate such violation within forty-eight hours after receipt of notice;
3. If the violation is not abated within forty-eight hours, the City or its authorized agent may correct, cure or abate the violation and charge the cost thereof, including reasonable administrative fees established in the water conservation plan for violations of plan restrictions, to the customer;
4. Such costs and fees, if not timely paid, will be added to the next water bill for the property;
5. No further notice is required to be given prior to correction, cure, additional charges for ongoing violations, or abatement of violations by the City and correction, cure, or abatement may include disconnection of services;

(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 \$100 for the second reconnection and \$200 for any subsequent additional reconnections within a 1-year period.

(c) Any customer shall have the opportunity to appeal the charge of an administrative fee or termination of water service by requesting a hearing before the Governing Body or other official designated as a hearing officer by the Governing Body according to the following:

1. If an administrative fee has been charged on a customer's water bill, the customer must submit a written hearing request within ten (10) days of the date of the water bill where the administrative fee has been charged.
2. If termination of water service is proposed or has occurred, the customer must submit a written hearing request within ten (10) days of the written notice of such proposed water termination or within ten (10) days of the shutoff date in instances where water service has been terminated.
3. All written hearing requests shall be submitted to the city clerk.
4. If a written hearing request is requested by the specified date, the customer shall be given a full opportunity to be heard.
5. The Governing Body or designated hearing officer shall make findings of fact and order whether an administrative fee, water restriction, or termination of water service is ordered. If an administrative fee has been charged on a customer's water bill prior to appeal, the Governing Body has the discretion to order removal of the administrative fee, as well as any necessary adjustment to the bill to reverse the impact of such fee.

(d) **Penalties.** Any person charged and found guilty in Municipal Court of violating the provisions of this article 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 city or 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 \$1,000. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 9. Section 15-408 of the Rose Hill Code is hereby amended to read as follows:

15-408. Violations, disconnections and penalties.

- (a) Upon violation of any water use restrictions imposed pursuant to sections 15-405 or 15-407 of this chapter, written notice of the initial violation shall be given to the customer or any other person known or believed to be responsible for the property where the violation occurs, or affixed to the property where the violation occurs. Such notice shall include a description of the violation and state the following:
1. The property is in violation of this chapter and the customer may be assessed an administrative fee and may have water services restricted if violation continues;
 2. The customer or any other person known or believed to be responsible for the property where the violation occurs is ordered to correct, cure or abate such violation within forty-eight hours after receipt of notice;
 3. If the violation is not abated within forty-eight hours, the City or its authorized agent may correct, cure or abate the violation and charge the cost thereof, including reasonable administrative fees established in the water conservation plan for violations of plan restrictions, to the customer;
 4. Such costs and fees, if not timely paid, will be added to the next water bill for the property;
 5. No further notice is required to be given prior to correction, cure, additional charges for ongoing violations, or abatement of violations by the City and correction, cure, or abatement may include disconnection of services;
- (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 \$100 for the second reconnection and \$200 for any subsequent additional reconnections within a 1-year period.
- (c) Any customer shall have the opportunity to appeal the charge of an administrative fee or termination of water service by requesting a hearing before the Governing Body or other official designated as a hearing officer by the Governing Body according to the following:
1. If an administrative fee has been charged on a customer's water bill, the customer must submit a written hearing request within ten (10) days of the date of the water bill where the administrative fee has been charged.
 2. If termination of water service is proposed or has occurred, the customer must submit a written hearing request within ten (10) days

of the written notice of such proposed water termination or within ten (10) days of the shutoff date in instances where water service has been terminated.

3. All written hearing requests shall be submitted to the city clerk.
 4. If a written hearing request is requested by the specified date, the customer shall be given a full opportunity to be heard.
 5. The Governing Body or designated hearing officer shall make findings of fact and order whether an administrative fee, water restriction, or termination of water service is ordered. If an administrative fee has been charged on a customer's water bill prior to appeal, the Governing Body has the discretion to order removal of the administrative fee, as well as any necessary adjustment to the bill to reverse the impact of such fee.
- (d) **Penalties.** Any person charged and found guilty in Municipal Court of violating the provisions of this article 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 city or 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 \$1,000. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 10. Chapter 15, Article 6 of the Rose Hill Code is hereby amended to read as follows:

Article 6. Outdoor Watering Restrictions

15-601. Purpose.

The purpose of this article is to provide for the implementation of voluntary and mandatory water conservation measures throughout the city consistent with the drought stage declaration or permanent water restrictions of the City of Wichita, Kansas which is presently the City's sole water supplier.

15-602. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) "Customer," as the term is used in this chapter means the customer of record using water for any purpose from the city's water distribution system and for which a regular charge is made.

(b) "Customer Premises" means the metered location at which a customer is furnished potable water by the City of Rose Hill's water utility.

(c) "Drought response plan" shall be the city's drought action plan, as may be supplemented or amended from time to time, on file with the city clerk.

(d) "Water" as used in this article shall mean water available to the City of Rose Hill 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.

(e) "Water Supply Emergency" shall mean the existence of conditions in the water supply system that reduce the volume or pressure of water so that essential public need cannot be met or cannot be met in the near future if present conditions continue.

(f) "Watering" means the outdoor application of water for irrigation of vegetation, including but not limited to, any water used through an irrigation system, hand watering container, outdoor hose, or drip mechanism.

(g) "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 that distribute water through the air similar to rainfall.

(h) "Variance" means an exception from the restrictions in this Chapter, applied for and granted through an online process as approved by the City Administrator or designee.

15-603. Declaration of Drought Stages by the City of Wichita.

Upon the declaration of Drought Response Stages or Permanent Water Restrictions by the City of Wichita, Kansas, a water supply emergency shall be deemed to exist in the City of Rose Hill and the water use restrictions in Section 15-604 shall be effective immediately upon publication of notice on the official City website (<https://cityofrosehill.com>), through the general news media, or in a newspaper of general circulation in the community.

15-604. Water use restrictions.

(a) Upon the declaration of drought stage restrictions by the City of Wichita, Kansas, the following voluntary and mandatory water conservation measures shall be in effect in the City of Rose Hill, Kansas:

1. **Stage 1 Drought measures.** Upon the declaration of a Stage 1 drought response stage as provided in the City of Wichita, Kansas Municipal Code Section 17.14.030, all water customers are requested to employ voluntary water conservation measures to limit or eliminate water use.
2. **Stage 2 Drought Response Measures.** Upon the declaration by the City of Wichita of a Stage 2 drought response stage as provided in Section 17.14.030 of the City of Wichita, Kansas Municipal Code, all water customers shall implement the following mandatory water conservation measures:
 - a. Outdoor water usage is restricted to one day per week. No outdoor water can be used on Friday, Saturday, or Sunday by customers who are not Stage 2 exempt;
 - b. Outdoor water usage from 10:00am until 8:00pm is prohibited.
 - c. Food producing gardens utilizing drip irrigation or hand watering shall be Stage 2 exempt. Businesses that generate their core economic activity from usage of outdoor water shall be Stage 2 exempt. Such businesses include, but are not limited to, golf courses, car washes, nurseries, sod suppliers, and others identified by the Governing Body.
 - d. Any use of outdoor water outdoors by customers who are not Stage 2 exempt shall be subject to the penalties provided in Section 15-607.
3. **Stage 3 Drought Response Measures.** Upon the declaration by the City of Wichita of a Stage 2 drought response stage as provided in Section 17.14.030 of the City of Wichita, Kansas Municipal Code, all usage of outdoor water by customers who are not Stage 3 exempt is prohibited. Food producing gardens utilizing drip irrigation or hand watering shall be Stage 3 exempt. Businesses that generate their core economic activity from usage of outdoor water shall be Stage 3 exempt. Such business include, but are not limited to, golf courses, car washes, nurseries, sod suppliers, and others identified by the Governing Body. Any use of outdoor water outdoors by customers who are not Stage 3 exempt shall be subject to the penalties provided in Section 15-607.
4. **Stage 4 Drought Response Measures.** Upon the declaration by the City of Wichita of a Stage 2 drought response stage as provided in Section 17.14.030 of the City of Wichita, Kansas Municipal Code, all usage of outdoor water shall be prohibited. No exemptions shall be provided from the prohibition on usage of outdoor water. All customers are required to

reduce their water usage by 15% from their Average Winter Consumption, as it was most recently calculated as of the declaration of the Stage 4 drought response stage. Any noncompliance with the provisions of this section shall be subject to the penalties provided in Section 15-408.

(b) **Permanent Restrictions on Watering.** Subject to further restrictions under Article 4 (Water Conservation) and Article 6 (Water Supply Emergency), it shall be unlawful for any customer to engage in or to permit another person to engage in watering at such customer premises between the hours of 10:00 AM and 6:00 PM on any day.

(c) **Permanent Restrictions on Watering by Spray Irrigation.** Subject to further restrictions under Article 4 (Water Conservation) and Article 6 (Water Supply Emergency), the following permanent spray irrigation rules shall apply and it shall be unlawful for any customer to engage in, or to permit another person to engage in, watering at such customer premises by means of spray irrigation in violation of these provisions:

1. Watering is prohibited between the hours of 10:00 a.m. and 6:00 p.m. on any day.

2. Watering is prohibited on Mondays.

3. If the last numerical character in the address of the customer's metered premises is an odd number then watering may only occur on Wednesday, Friday and Sunday before 10:00 AM or after 6:00 PM.

4. If the last numerical character in the address of the customer's metered premises is an even number then watering may only occur on a Tuesday, Thursday, and Saturday before 10:00 AM or after 6:00 AM.

(d) **Variances.** The Governing Body or designee is hereby authorized and directed to establish criteria for granting variances from the restrictions in this chapter 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, and is further directed to establish an online application system by which customers can request such variances; provided, however, no such variances may be granted when drought emergency restrictions are in effect.

15-605. Notification.

Installers of lawn watering irrigation or sprinkling water systems, upon installing a lawn watering irrigation or sprinkling system, shall provide a copy of this article to the owner of the lawn watering irrigation or sprinkling system.

15-606. Enforcement.

Whenever a water supply emergency is declared to exist as set forth in this article, in addition to all law enforcement officers, the following personnel employed by the City of Rose Hill shall have the power to enforce the provisions of this chapter:

- (a) Utilities Superintendent;
- (b) Utilities Billing Clerk;
- (c) City Clerk or Deputy City Clerk.

Such personnel shall have the power of a law enforcement officer for the purpose of signing a complaint and serving the complaint and a notice to appear upon any person where there is probable cause to believe such person has or is violating a section of this article and such violation has occurred or is occurring in the presence of the officer or employee empowered hereunder to enforce this article.

15-607. Violations, disconnections and penalties.

- (e) Upon violation of any water use restrictions imposed pursuant to Article 6 of this chapter, written notice of the initial violation shall be given to the customer or any other person known or believed to be responsible for the property where the violation occurs, or affixed to the property where the violation occurs. Such notice shall include a description of the violation and state the following:
 - 1. The property is in violation of this chapter and the customer may be assessed an administrative fee and may have water services restricted if violation continues;
 - 2. The customer or any other person known or believed to be responsible for the property where the violation occurs is ordered to correct, cure or abate such violation within forty-eight hours after receipt of notice;
 - 3. If the violation is not abated within forty-eight hours, the City or its authorized agent may correct, cure or abate the violation and charge the cost thereof, including reasonable administrative fees established in the water conservation plan for violations of plan restrictions, to the customer;
 - 4. Such costs and fees, if not timely paid, will be added to the next water bill for the property;
 - 5. No further notice is required to be given prior to correction, cure, additional charges for ongoing violations, or abatement of violations by the City and correction, cure, or abatement may include disconnection of services;

(f) 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 \$100 for the second reconnection and \$200 for any subsequent additional reconnections within a 1-year period.

(g) Any customer shall have the opportunity to appeal the charge of an administrative fee or termination of water service by requesting a hearing before the Governing Body or other official designated as a hearing officer by the Governing Body according to the following:

6. If an administrative fee has been charged on a customer's water bill, the customer must submit a written hearing request within ten (10) days of the date of the water bill where the administrative fee has been charged.

7. If termination of water service is proposed or has occurred, the customer must submit a written hearing request within ten (10) days of the written notice of such proposed water termination or within ten (10) days of the shutoff date in instances where water service has been terminated.

8. All written hearing requests shall be submitted to the city clerk.

9. If a written hearing request is requested by the specified date, the customer shall be given a full opportunity to be heard.

10. The Governing Body or designated hearing officer shall make findings of fact and order whether an administrative fee, water restriction, or termination of water service is ordered. If an administrative fee has been charged on a customer's water bill prior to appeal, the Governing Body has the discretion to order removal of the administrative fee, as well as any necessary adjustment to the bill to reverse the impact of such fee.

(h) **Penalties.** Any person charged and found guilty in Municipal Court of violating the provisions of this article 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 city or 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 \$1,000. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

15-608. Exemptions; watering from wells; sign required.

(a) Persons using water from a well for any of the nonessential uses as defined in section 15-602 shall be exempt from the penalties of this chapter.

(b) Persons using water from a well as set forth in subsection (a) shall display a sign with the words "Well Water" in a location that is readily visible to the general public while engaged in such use(s).

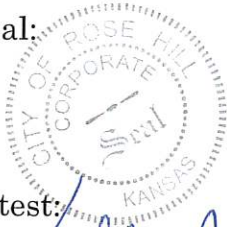
Section 11. Severability. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 12. Repeal. All prior ordinances or portions of ordinances conflicting with this ordinance are hereby repealed.

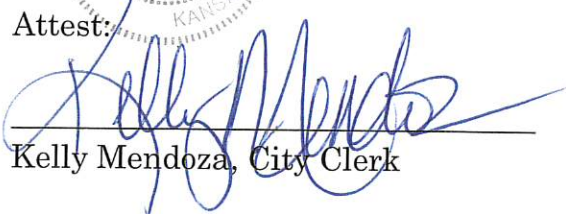
Section 13. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

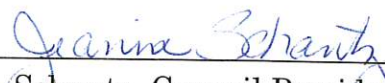
PASSED by the City Council this 15th day of September, 2025 and **SIGNED** by the Mayor.

Seal:

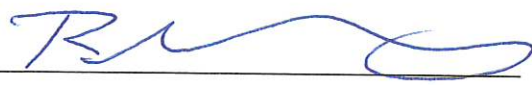


Attest:

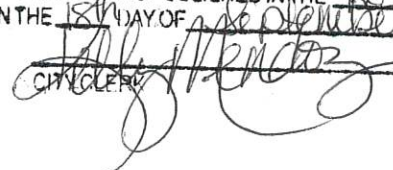

Kelly Mendoza, City Clerk


Jeanine Schantz, Council President
Pursuant to K.S.A. 15-311

Approved as to form:


Richard A. Samaniego, City Attorney

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDINANCE; THAT SAID ORDINANCE WAS PASSED ON THE 15th DAY OF September, 2025; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 2 OF THE MINUTES; A CERTIFIED SUMMARY OF THE ORDINANCE WAS PUBLISHED IN THE Rose Hill Reporter ON THE 18th DAY OF September, 2025


CITY CLERK

