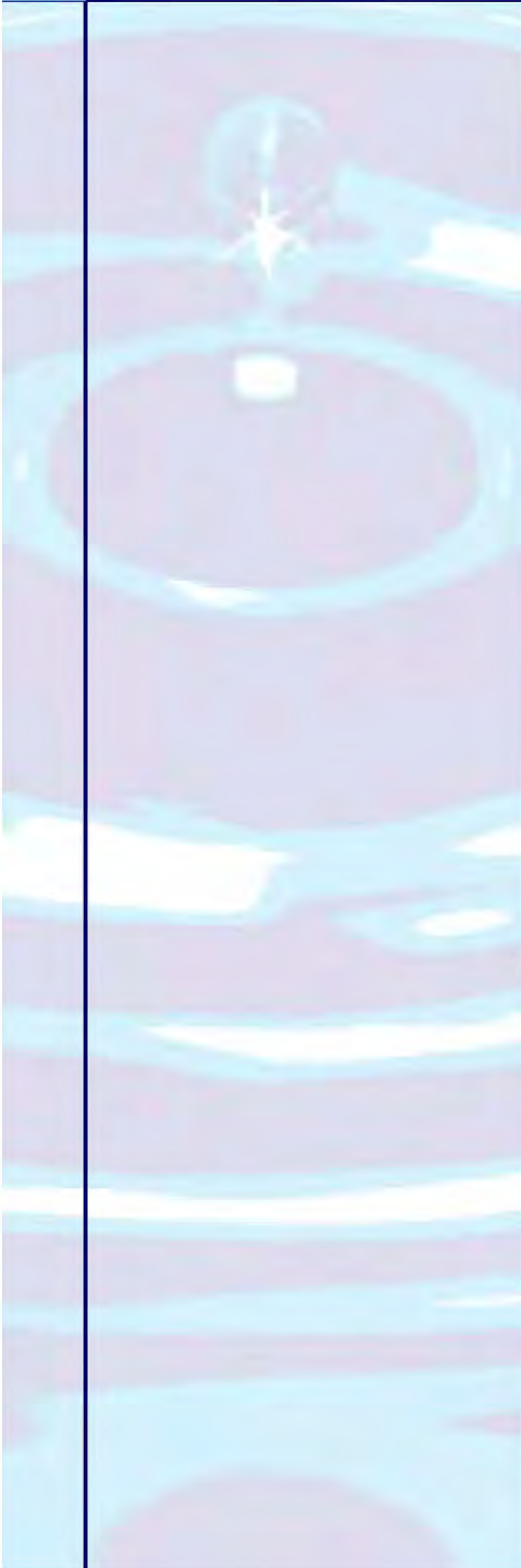


**MUNICIPAL WATER  
CONSERVATION PLAN  
FOR THE  
CITY OF DERBY,  
EL PASO WATER  
COMPANY**

February 27th, 2018



# Municipal Water Conservation Plan For the City of Derby, El Paso Water Company

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## **INTRODUCTION**

The primary objective of the Municipal Water Conservation Plan for the City of Derby, El Paso Water Company is to develop long-term water conservation plans (long-term water use efficiency section) and short-term water emergency plans (drought response section) to assure the city's customers of an adequate water supply to meet their needs.

The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion, thus limiting or postponing the resulting increases in costs, in addition to conserving the limited water resources in the state of Kansas. This Municipal Water Conservation Plan represents a major step in ensuring our customers a dependable water supply for many years to come.

The city of Derby and the El Paso Water Company have experienced tremendous growth and change in recent years. A number of steps have been taken to ensure a dependable water supply for customers now and in the future. In 2001, El Paso Water converted its primary water source from city wells, which had been in operation since 1929, to purchasing water from the city of Wichita. In 2004, the company was purchased by the city of Derby and now operates as a division of the Derby Public Works Department.

The city receives its water from a single 36-inch line that runs along K-15 to the Derby metering station on Patriot Avenue. From there, it is distributed to three elevated storage tanks, which provide ample capacity to meet current customer demands and projected future demands for many years. The city of Derby (El Paso Water Company) still owns and maintains water rights in its well field west of the Arkansas River; however, due to the city's growth and its conversion to Wichita water in recent years, it is not a viable water source, without development of treatment infrastructure.

## **LONG-TERM WATER USE EFFICIENCY**

### **Water Use Conservation Goals**

The City of Derby averaged 103 gallons per capita per day (GPCD) from 2011 thru 2015. This GPCD figure includes water sold to residential/commercial customers and water distributed for public services (parks, cemeteries, swimming pools, etc.). It does not include water lost by mandatory flushing and leaks in the water distribution system.

According to the Kansas Department of Agriculture's Division of Water Resources publication Public-Supply Water Use in Kansas 2015, our city is located in Region 7L. From this publication, it was determined that our city average was 103 GPCD, which is 20% below the regional average of 129 GPCD among cities in Region 7L from 2011 through 2015.

Derby desires to set a water use conservation goal for usage not to exceed 114 GPCD based on the 5 year state average. Our city anticipates not exceeding this goal by carrying out the specific actions that are outlined in our plan.

**Notwithstanding any other provision of this water conservation plan, the city may declare a voluntary conservation, mandatory restrictions or water emergency and impose conservation measures intended to limit the use of water when requested or required to do so by the city's wholesale provider (City of Wichita) and as directed by the Derby City Manager.**

### **Water Conservation Practices**

This section of the plan summarizes the current education, management, accountability and regulatory efforts that relate to long-term conservation of water in the city. Specific practices to conserve water and maintain an effective water system are illustrated as follows:

#### **Education**

City water bills show the total amount of water used in gallons and the cost of the water for each billing period. Water conservation tips are distributed via water bill inserts periodically throughout the year.

Annually, the importance of conserving water will be communicated to water company customers using the following methods:

##### 1<sup>st</sup> Quarter:

- a. Water conservation tips distributed via water bill insert (Derby News)
- b. Promote irrigation system maintenance via water bill inserts and Channel 7
- c. Send backflow testing information to customers with registered sprinkler systems (every other year).

##### 2<sup>nd</sup> Quarter:

- a. Water conservation tips distributed via water bill insert
- b. Annual water quality report distributed via website

##### 3<sup>rd</sup> Quarter:

- a. Water conservation tips distributed via news release and social media.

##### 4<sup>th</sup> Quarter:

- a. Promote winter weatherization efforts through Derby News and social media

##### Year Round, as needed:

- a. Water conservation tips posted on Water page of city website
- b. Water conservation tips posted on Derby Channel 7 (television)
- a. Printed materials available at city offices and library
- b. Conservation materials given to new customers
- c. Archive of materials available on website
- d. Messages/articles in monthly water bill inserts

## **Management**

The City of Derby has meters on all water supplies to the distribution system. Any new supply will have an individual meter on each source of supply. These meters are read daily.

In 1965, water meters were installed for all residential and commercial customers. Customer meters can be scheduled for an accuracy check and possible repair or replacement upon receiving a request from the customer. All meters will be repaired or replaced within 30 days of documented malfunction.

The City of Derby reads each customer's water meter and sends a water bill to each customer every month. Customer water meters are generally read approximately every 30 days; however, minor deviations from the plan may occur as weather and workload dictate. The only user who receives unmetered water is the Derby Fire and Rescue Department.

Water leaks from the city public water distribution system are repaired upon notification or when located by city personnel. Water pressure is monitored daily and specific area checks are completed if customers report experiencing low pressure.

Rates are established by the Derby City Council and are reviewed yearly. The city's current water rate structure, effective January 1, 2018, is listed below:

2,000 gallons or less: \$20.53 (base rate)  
2,001 gallons to 6,000 gallons: \$4.09/1,000 gal.  
6,001 gallons to 10,000 gallons: \$4.68/1,000 gal.  
10,001 gallons to 20,000 gallons: \$5.38/1,000 gal.  
20,001 gallons to 40,000 gallons: \$6.23/1,000 gal.  
More than 40,001 gallons: \$7.25/1,000 gal.

## **Accountability**

The City of Derby realizes that great emphasis must be placed on obtaining accurate measurement of water use at the city source and at customer meters. For that reason, the city has chosen the following conservation practices:

- a. All meters for source water will be read on a daily basis, and meters at individual service connections will be read monthly.
- b. Derby's water metering station takes readings daily, checking for irregularities in flow from the city of Wichita. These readings are cross-checked to verify accuracy of metering devices. If a discrepancy appears, the devices are checked and repairs made as soon as possible.
- c. Monthly meter readings are compared to past water use for high or low consumption. If discrepancies exist, meters are checked for misreading and

repaired or replaced within two weeks of malfunction notification. Leaks found to be the responsibility of the city on customer's property are repaired as soon as possible.

- c. Daily production readings are compared to the maximum and minimum 5 year average daily consumption. If the minimum or maximum are exceeded, we check for data errors and possible leaks within the system. If leaks are found, they are repaired as soon as possible.
- d. Distribution system extensions are designed to optimize line sizing and maintain a supply pressure of 40 to 60 psi to the customer.
- e. The City of Wichita is responsible for testing source water meters on a schedule of its choosing. Each meter will be repaired or replaced if its test measurements are not within industry standards (such as AWWA standards).
- f. Water sales will be based on the amount of water metered.

### **Regulatory Actions**

The Derby Municipal Code provides for a response to a drought or water emergency (Appendix A). The code outlines detailed steps to be taken in the event of a prolonged drought or water emergency. The code also requires rain sensors for all irrigation systems within the city (Appendix B).

Regulatory controls on water use are included only in the drought response section of this plan.

Derby has a plumbing code but does not incorporate mandatory use of water conserving fixtures. New homes and/or remodeling projects are encouraged to include water-conserving toilets, faucets, appliances, and irrigation devices.

## **DROUGHT RESPONSE**

The City of Derby addresses its short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, description and actions. Each stage is more stringent in water use than the previous stage since water supply conditions are more deteriorated. Since the City of Derby is supplied water solely by the City of Wichita, our triggers are closely related to their triggers. The city manager is authorized by ordinance to implement the appropriate conservation measures outlined in Derby Municipal Code, Chapter 13.06, Emergency Water Regulations.

### **Stage 1: Voluntary Conservation**

#### **Description**

The beginning stage of drought response would likely occur after the first year of a drought and would last through a full irrigation season.

Voluntary water conservation is the focus of Stage #1. Utility customers will be encouraged to reduce water usage through voluntary means. The City of Derby will introduce a marketing campaign to raise drought awareness and publicize tips for conserving water. It will also continue to implement its permanent water conservation measures for its own operations.

#### **Triggers**

This stage is triggered by any one of the following conditions:

1. The National Weather Service declares regional drought conditions exist and are forecast to continue for an extended period of time.
2. City of Wichita issues a Stage 1 Voluntary Conservation of their drought response plan.

#### **Education Actions**

1. City will inform customers that we have entered into the voluntary conservation stage of our drought response plan using various forms of mass media and direct notification in customer billings, when possible.
2. City's website will be used to provide a one-stop location for water updates, stage information/explanation, and recommend conservation practices.
3. City will make occasional news releases to the local media describing present conditions and indicating the water supply outlook for the upcoming season.

4. City will use outdoor electronic or other signage available to the city to raise water conservation awareness.
5. City will include water-saving tips in billings to water utility customers.
6. City will contact local Home Owners Associations (HOA) to request reconsideration of watering requirements on residents.
7. City will mail or hand-deliver notices to top commercial and residential water customers informing them of the potential impact of more stringent regulations (Stage 2, Stage 3) that could be declared.
8. City will provide drought condition information on Channel 7, the city's website, Facebook, and possibly other forms of media.

### **Management Actions**

1. Leaks will be repaired within 48 hours of detection.
2. City will monitor its use of water and will modify activities such as hydrant flushing, tree planting, and street cleaning. Efforts will be made to reuse or repurpose water that must be used to flush hydrants and mains to maintain water quality.
3. City will reduce or discontinue water use intended for operating fountains and maintaining city grounds and parks.
4. City may develop a rebate program or other financial incentive to encourage reduced consumption.
5. City will ask the public to curtail outdoor water use and make efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.
6. City will ask local home improvement stores to promote low-water fixtures, appliances, and irrigation devices.

### **Regulation Actions**

1. City will provide presentations or materials at neighborhood meetings, homeowners associations, library, senior center, etc.
2. City will encourage lawn and landscape watering be performed before 10:00 a.m. and after 8:00 p.m. and only between May 1 and November 1 (voluntary).



## **Stage 2: Mandatory Restrictions**

### **Description**

Stage #2 brings the first mandatory restrictions during a drought. Outdoor lawn and landscape irrigation will be restricted to Mondays, Wednesdays and Fridays before 10:00 a.m. and after 8:00 p.m.

This stage is triggered by Wichita and is based on the 12 month average in Cheney Lake's (source of water supply) conservation pool. Once the pool reaches 69% this stage is triggered.

### **Triggers**

This stage is triggered when the City of Wichita has issued Stage 2 Mandatory Restrictions.

### **Education Actions**

1. City will inform customers that we have entered into the mandatory restriction stage of our drought response plan using various forms of mass media and direct notification in customer billings, when possible.
2. City's website will be used to provide a one-stop location for water updates, stage information/explanation, and recommend conservation practices.
3. City will make weekly news releases to area media describing present conditions and indicating the water supply outlook for the upcoming week.
4. City will use outdoor electronic or other signage available to post restriction levels.
5. City will provide water conservation/restriction articles to the local newspaper and other outlets.
6. City will include water-saving tips in billings to water utility customers.
7. City will provide drought condition and water restriction information on Channel 7, the city's website, Facebook, and possibly other forms of media.

City may implement rebate program or other financial incentive to encourage reduced consumption.

### **Management Actions**

1. City will monitor water supplies daily.
2. City will repair leaks within 24 hours of detection.

3. City will discontinue water use intended for operating fountains and maintaining city grounds and parks.
4. City will use water for flushing hydrants, water mains and washing vehicles only in emergency situations. An effort will be made to reuse or repurpose water that must be used to flush hydrants and water mains to maintain water quality.
5. If private well water waste is evident, City may contact the Kansas Division of Water Resources (DWR) to request that all private well owners comply with the city's drought response regulations as authorized under K.S.A. 82a-733(i).

**Regulation Actions**

These regulation actions may apply to city residents (including private domestic well users, if authority is delegated by the chief engineer under K.S.A. 82a-733(i)).

1. City restricts outdoor lawn and landscape watering to Mondays, Wednesdays and Fridays before 10:00 a.m. and after 8:00 p.m. Outdoor watering from rain barrels or household re-use water is encouraged.
2. City requires residents using private wells for irrigation to post a sign that states the use of a private well and encourages decreased usage.
3. Golf courses using city water are restricted to watering tee boxes and greens only. All watering will be accomplished after sunset.
4. Refilling of all swimming pools (indoor and outdoor) is allowed only one day a week after sunset, unless regulated by a constant fill water treatment system.
5. Waste of water is prohibited (Derby Municipal Code, chapter 13.06).
6. City may impose excessive use charges on water bills in an attempt to reduce consumption.
7. The following fee schedule will be used for violators of the imposed restrictions:

Penalty Schedule Per Violation	
1 <sup>st</sup> Incident	Warning
2 <sup>nd</sup> Incident	\$50
3 <sup>rd</sup> Incident & Beyond	\$100

## **Stage 3: Water Emergency**

### **Description**

At this stage of our drought response plan we are in an aggressive drought or there is a major emergency resulting in loss of water to our distribution system. All outdoor water use is banned and strict penalties are in place for repeat violators.

### **Triggers**

This stage is triggered by any one of the following conditions:

1. City of Wichita has issued Stage 3 or Stage 4 Water Emergency.
2. Emergency conditions related to repairs or water quality (example: major main break to the main line on K-15 or contamination of the water supply).

### **Education Actions**

1. City will inform customers that a water emergency has been declared using various forms of mass media and direct notification in customer billings, when possible.
2. City's website will be used to provide a one-stop location for water updates, stage information/explanation, and conservation suggestions.
3. City will make daily news releases to area media describing present conditions and indicating the water supply outlook for the next day.
4. City will use outdoor electronic or other signage available to post restriction levels.
5. Water conservation/restriction articles will be provided to area media outlets.
6. Water restriction information will be included in billings to water utility customers.
7. City will host public meetings to discuss the emergency, the status of the city water supply and further actions that need to be taken.
8. Drought condition and water restriction information will be provided on Channel 7, the city website, Facebook, and possibly other forms of media.

### **Management Actions**

1. City will monitor water supplies daily.
2. City will repair leaks within 12 hours of detection.
3. City will discontinue its outdoor water use, with the exception of mandatory water main flushing to maintain water quality.

4. City will close Rock River Rapids Aquatic Park.
5. City will seek additional emergency supplies from other water sources, the state or the federal government.

**Regulation Actions**

These regulatory actions apply to city customers. Private domestic well users are included, if authority is delegated by the chief engineer under K.S.A. 82a-733(i).

1. Outdoor water use is banned. Outdoor watering from rain barrels or household re-use water is encouraged.
2. Swimming pools may remain open, but refilling is banned. City codes regarding public health remain in effect. City will make decision regarding indoor pools regulated by constant fill water treatment systems based on circumstances surrounding the emergency event.
3. Waste of water is prohibited. Unauthorized use could result in penalties up to and including the immediate disconnection of water service.
4. New irrigation connections to the public water supply are suspended.
5. The following fee schedule will be used for violators of the imposed restrictions:

Penalty Schedule Per Violation	
1 <sup>st</sup> Incident	Warning
2 <sup>nd</sup> Incident	\$250
3 <sup>rd</sup> Incident & Beyond	\$500

## **PLAN REVISION, MONITORING & EVALUATION**

The City of Derby will review monthly totals for purchased water, residential/commercial sales, water provided free-of-charge, and “unaccounted for water.” Problems noted during the monthly review will be solved as soon as possible.

This Municipal Water Conservation Plan will be reviewed yearly and on a more frequent basis during drought or other water shortage conditions. If the water conservation GPCD goals for the previous year are not met, the City will review data collected from the previous year in relationship to the status and effectiveness of the conservation practices outlined in the plan and will provide a status report to the Kansas Division of Water Resources. This report also will include any additional water conservation practices that may need to be taken for the city to achieve and maintain its water use conservation GPCD goals.

ORDINANCE NO. 2345

**AN ORDINANCE RELATING TO EMERGENCY WATER REGULATIONS FOR THE CITY OF DERBY, KANSAS; AMENDING AND REPEALING SECTIONS 13.06.010, 13.06.030, 13.06.040, 13.06.050, 13.06.060, 13.06.070 AND 13.06.080 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

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

**Section 1.** Section 13.06.010 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.010 – Purpose.**

The purpose of this chapter is to provide for declaration of a Stage 1 Voluntary Conservation, Stage 2 Mandatory Restrictions, or Stage 3 Water Emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event of such a declaration.”

**Section 2.** Section 13.06.030 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.030 – Stage 1: Voluntary Conservation**

Whenever the city manager finds that a trigger identified in the water conservation plan has occurred, the city council by resolution or the city manager may declare that a Stage 1 Voluntary Conservation is required pursuant to the water conservation plan. The stage shall continue until terminated by the city council or city manager. Any declaration, order, or resolution declaring or terminating the Stage 1: Voluntary Conservation shall be given prompt and general publicity and shall be filed promptly with the city clerk.”

**Section 3.** Section 13.06.040 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.040 – Stage 2: Mandatory Restrictions**

Whenever the city manager finds that a trigger identified in the water conservation plan has occurred, the city council by resolution or the city manager may declare that a Stage 2 Mandatory Restrictions is required pursuant to the water conservation plan. The stage shall continue until terminated by the city council or city manager. Any declaration, order, or resolution declaring or

terminating the Stage 2 Mandatory Restrictions shall be given prompt and general publicity and shall be filed promptly with the city clerk.”

**Section 4.** Section 13.06.050 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.050 – Stage 3: Water Emergency**

Whenever the city manager finds that a trigger identified in the water conservation plan has occurred, the city council by resolution or the city manager may declare that a Stage 3 Water Emergency is required pursuant to the water conservation plan. The stage shall continue until terminated by the city council or city manager. Any declaration, order, or resolution declaring or terminating a Stage 3 Water Emergency shall be given prompt and general publicity and shall be filed promptly with the city clerk.”

**Section 5.** Section 13.06.060 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.060 – Emergency Water rates; excessive use charges.**

Upon declaration of a Stage 2 Mandatory Restrictions or Stage 3 Water Emergency, the city council may adopt emergency water rates and may impose excessive use charges or fees for the purpose of ensuring compliance with and conserving water supplies pursuant to the water conservation plan.”

**Section 6.** Section 13.06.070 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.070 – Emergency regulations.**

During a Stage 3 Water Emergency declared pursuant to this chapter, the city manager is empowered to promulgate, implement and enforce such regulations deemed necessary to carry out the provisions of this chapter. Such regulations shall be subject to approval of the city council at its next regular or special meeting.”

**Section 7.** Section 13.06.080 of the Derby Municipal Code is hereby amended to read as follows:

**“13.06.080 – Correction, cure or abatement of violations; disconnection for violation.**

A. Whenever a violation of any water conservation plan regulations implemented pursuant to the declaration of a Stage 2 Mandatory Restrictions or Stage 3 Water Emergency occurs, written notice of the 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;
  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 assessed as a special assessment against the property upon which the violation is located;
  5. No further notice is required to be given prior to correction, cure, or abatement of violations by the city: and correction, cure, or abatement may include disconnection of services;
- B. In the event the customer or any other person responsible for the property where the violation occurs fails or refuses to correct, cure, or abate a violation of this chapter upon notice thereof pursuant to subsection A, the city may cause the violation to be corrected, cured or abated and the cost thereof, including reasonable administrative fees established in the water conservation plan for violations of plan restrictions, to be charged against the customer and, if such charges and fees are not timely paid, may certify the same to the city clerk to be levied as a special assessment against the property upon which the violation was located. Correction, cure or abatement by the city may include disconnection of services.
- C. A fee of fifty dollars shall be paid for the reconnection of any water service terminated pursuant to this section 13.06.080. In the event of a second or subsequent disconnection by or with respect to the same property, the reconnection fee shall be two hundred dollars for the second reconnection and five hundred dollars for all subsequent reconnections.”

**Section 8. Repeal**

Original sections 13.06.010, 13.06.030, 13.06.040, 13.06.050, 13.06.060, 13.06.070, and 13.06.080 of the Derby Municipal Code are hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**Section 7. Severability**

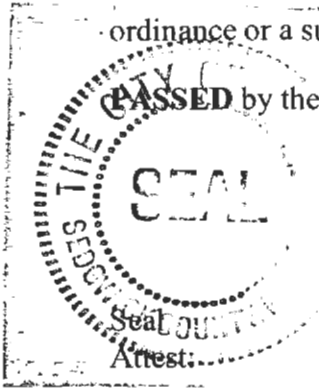



Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

**Section 8. 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.

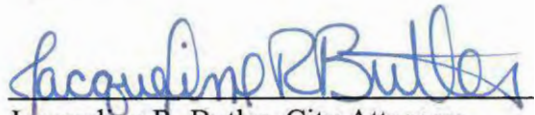
**PASSED** by the City Council this 27<sup>th</sup> day of February, 2018 and **SIGNED** by the Mayor.



  
\_\_\_\_\_  
Randy White, Mayor

  
\_\_\_\_\_  
Karen Friend, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Jacqueline R. Butler, City Attorney

Adopted: 04/08/08  
Published: 04/23/08

## ORDINANCE NO.1932

**AN ORDINANCE REQUIRING INSTALLATION AND MAINTENANCE OF A WORKING RAIN SENSOR DEVICE IN ALL AUTOMATIC IRRIGATION SYSTEMS INSTALLED OR LOCATED ON COMMERCIALY DEVELOPED PROPERTY AND ALL SUCH SYSTEMS HEREAFTER INSTALLED ON RESIDENTIALLY DEVELOPED PROPERTY; AND PROVIDING PENALTIES AND OTHER SANCTIONS FOR VIOLATION.**

**BE IT ORDAINED** by the Governing Body of the City of Derby, Kansas:

**Section 1. Definitions.** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this section:

a. "Automatic irrigation system" means a device or combination of devices having a hose, pipe or other conduit installed in the landscape and that automatically applies water to irrigate lawns, landscapes or greenspace.

b. "Rain sensor" means an electronic device that measures rainfall and overrides the irrigation cycle and turns off an automatic irrigation system when a predetermined amount of rain has fallen and is mounted according to the manufacturer's specifications outdoors in an open area, above ground and in an unobstructed location well suited for gauging rain.

### **Section 2. System and operating requirements.**

a. Except as otherwise provided by section 7 hereof, all automatic irrigation systems shall be equipped with a properly installed, maintained and functional rain sensor.

b. All rain sensors required by this ordinance shall be set such that the irrigation system is turned off when 1/2 inch or more rain has fallen.

c. Neither a rain sensor nor automatic irrigation system to which such sensor is connected shall be set so that the rain sensor is not able to override and turn off the automatic irrigation system after 1/2 inch of rain has fallen.

### **Section 3. Responsibilities of owners of property served by automatic irrigation system.**

a. Automatic irrigation systems connected to public water supply system:

1. It shall be the duty of each person owning property upon which is located an automatic irrigation system connected to the public water supply system to ensure that

each such system located is equipped with a properly installed and operational rain sensor.

2. Each person having an automatic irrigation system connected to the public water supply system shall be deemed to have consented to inspection of such irrigation system by a City code enforcement officer at reasonable times and upon reasonable notice; provided, notice of such inspections shall not be required if the customer cannot be located after reasonable effort or if there is a reasonable basis to believe that his or her automatic irrigation system is not equipped with a required rain sensor or, if so equipped, that the rain sensor is not properly set, has been disabled or is otherwise failing to function properly.

h. Automatic irrigation systems not connected to public water supply system:

1. It shall be the duty of each owner of property upon which is located an automatic irrigation system not connected to the public water supply system to ensure that each such system is equipped with a properly installed and operational rain sensor.

2. Any City code enforcement officer may, at reasonable times and upon reasonable notice, enter upon private property upon which is located an automatic irrigation system that is not connected to the public water supply system for the purpose of inspecting such system whenever there is a reasonable basis to believe that such system is not equipped with a required rain sensor or, if so equipped, that the rain sensor is not properly set, has been disabled or is otherwise failing to function properly.

**Section 4. Violations.** It shall be unlawful for any person to operate an automatic irrigation system without a properly installed and operating rain sensor.

**Section 5. Penalties for violation.** Any person convicted of violating this ordinance shall be punished by a fine of not less than \$25 nor more than \$500.

**Section 6. Cessation of public water supply service.** In addition to other penalties provided by this ordinance, the City may order cessation of public water supply service in the event a person whose automatic irrigation system is connected to the public water supply system fails or refuses to install a required rain sensor or to maintain such rain sensor in good operating condition. In the event public water supply service is discontinued pursuant to this section such person shall pay, in addition to any other charges authorized by City ordinance, the reasonable cost of discontinuing water service and resumption of water service following correction of all violations of this ordinance.

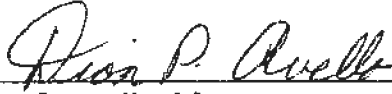
**Section 7. Application to new and existing automatic irrigation systems.** This ordinance shall apply:

a. from and after May 24, 2008, to all automatic irrigation systems installed or substantially replaced on or after that date; and

b. from and after July 1, 2009, to all other automatic irrigation systems.

**Section 8. Effective date.** This Ordinance shall take effect and be in force from and after the sixty-first day following its publication once in the official City newspaper.

**ADOPTED BY THE GOVERNING BODY** this 8th day of April, 2008.

  
\_\_\_\_\_  
Dion P. Avello, Mayor

ATTEST:

  
\_\_\_\_\_  
Jean Epperson, City Clerk