

**ORDINANCE NO. 22-56**

**AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE CHAPTER 13.34 PERTAINING TO WATER CONSERVATION AND REPEALING SECTIONS 13.34.050, 13.34.060, 13.34.060, AND 13.34.070.**

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

**SECTION ONE:** Section 13.34.010 of the Olathe Municipal Code is hereby amended to read as follows:

**“13.34.010 Purpose.**

The purpose of this ordinance is to provide authority for adoption of a Water Conservation Plan and authorization for the City Manager to implement and enforce the plan. ~~the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared.”~~

**SECTION TWO:** Section 13.34.020 of the Olathe Municipal Code is hereby amended to read as follows:

**“13.34.020 Definitions.**

“Customer,” ~~as the term is used in this ordinance, shall~~ means s the customer of record using water for any purpose from the City’s water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

~~“Waste of water,” as the term is used in this ordinance, 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.~~

“Water,” ~~as the term is used in this ordinance, shall~~ means s water available to the City of Olathe, Kansas for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

“Water Conservation Plan,” means the plan adopted pursuant to the authority of this Chapter.”

**SECTION THREE:** Section 13.34.030 is hereby added to the Olathe Municipal Code:

**“13.34.030 ~~Declaration of Water Watch~~ Water Conservation Plan.**

The City Council has the authority to adopt a Water Conservation Plan by resolution. Upon adoption of the Water Conservation Plan, the City Manager is authorized to implement and enforce the provisions of the plan. ~~A “Water Watch” is in effect when a combination of two or more of the following conditions occurs:~~

~~(A) Daily water demand for 3 consecutive days is in excess of 90% of the available Olathe raw water yield.~~

~~(B) Daily water demand for 3 consecutive days is in excess of 90% of the treatment capacity of all Olathe treatment facilities.~~

~~(C) Total system storage does not recover above 80% prior to 5 a.m.~~

~~(D) The Governor declares a “Drought Watch” for Johnson County.~~

~~The “Water Watch” will be terminated when the triggering events have ceased to exist.”~~

**SECTION FOUR:** Section 13.34.040 is hereby added to the Olathe Municipal Code:

**“13.34.040 ~~Declaration of Water Warning~~ Enforcement.**

The City Manager is authorized to enforce the provisions of this Chapter and the Water Conservation Plan. ~~As the water supply problems become more severe, a “Water Warning” will be implemented. A “Water Warning” is in effect when any combination of two or more of the following conditions occurs:~~

~~(A) Daily demand for 3 consecutive days is in excess of 95% of the available Olathe raw water yield.~~

~~(B) Daily water demand for 3 consecutive days is in excess of 95% of the treatment capacity of all Olathe treatment facilities.~~

~~(C) Total system storage does not recover above 70% prior to 5 a.m.~~

~~(D) The Governor declares a "Drought Warning" for Johnson County.~~

~~The "Water Warning" shall terminate when the triggering events have ceased to exist for a period of fourteen (14) consecutive days, or when substantial changes in weather conditions occur, affecting water demands. Upon termination of a "Water Warning", a "Water Watch" becomes operative."~~

**SECTION SIX:** Existing Sections 13.34.010, 13.34.020, 13.34.030, 13.34.040, 13.34.050, 13.34.060, and 13.34.070 are hereby repealed.

**SECTION SEVEN:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

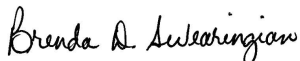
**PASSED** by the Governing Body this 1st day of November, 2022.

**SIGNED** by the Mayor this 2nd day of November, 2022.

  
John W Bacon (Nov 2, 2022 09:05 CDT)

\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
Ron Shaver (Nov 2, 2022 09:44 CDT)

\_\_\_\_\_  
City Attorney

Publish and return the Proof of Publication to the City Clerk and City Attorney.

# The Legal Record

1701 E. Cedar St., Ste. 111  
Olathe, KS 66062-1775  
(913) 780-5790

ATTN: CITY CLERK  
CITY OF OLATHE  
100 E SANTA FE ST  
OLATHE KS 66061-3409

First published in The Legal Record, Tuesday, November 8, 2022.  
**PUBLICATION SUMMARY OF ORDINANCE NO. 22-56, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 1st DAY OF NOVEMBER 2022.**

## SUMMARY

On November 1, 2022, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 22-56 making amendments to Chapter 13.34 of the Olathe Municipal Code pertaining to process for adopting updated water conservation plans.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 2nd day of November 2022.

/s/ Rachelle R. Breckenridge  
Rachelle R. Breckenridge  
Assistant City Attorney  
11/8

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## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

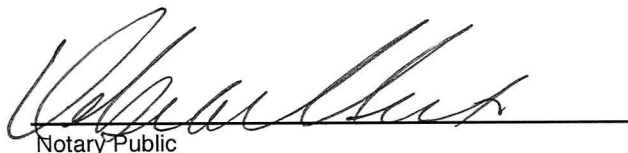
SUMMARY OF ORDINANCE NO. 22-56  
11/8/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

November 8, 2022



Notary Public

DEBRA VALENTI  
Notary Public-State of Kansas  
My Appt. Expires Aug. 21, 2023

L99664  
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